

## The European Constitutional Treaty

### Advancing European Integration

*"[The Constitutional] Treaty consolidates and simplifies the Union. It strengthens our democratic base by extending this Parliament's powers and by finding innovative ways to give a greater voice to national Parliaments and to Europe's citizens. It will make us more effective in tackling areas where common action is needed. The challenge now is ratification."*

José Manuel Barroso  
President of the European  
Commission

On June 18, 2004, the Heads of State and Government of the 25 European Union Member States agreed to the landmark *Treaty Establishing a Constitution for Europe*. The "Constitution," as the Treaty is commonly known, represents a significant step forward for European integration, a process begun in the 1950s by visionaries seeking to prevent future wars and promote prosperity and security on the European continent.

The Constitution formally establishes the European Union as a single legal entity while providing for a clearer and more powerful external voice; adapts EU institutions to the enlarged Union and simplifies EU law; clarifies Union and national policy jurisdiction; and makes the Union's institutions more transparent and democratic as it formally enshrines the fundamental rights of citizens.

The Constitutional Treaty proposes neither a federal state nor a mere confederation of states, but rather continues on the path of developing the EU as a unique political entity in the world: a federation of nation-states, each ceding sovereignty to a larger union through common institutions while maintaining a unique society, culture, and political structure.

To draft the Constitutional Treaty, the European Council set up a Convention on the Future of the European Union, bringing together representatives of the governments of EU Member States and candidate countries, national legislators and Members of the European Parliament, and representatives of the European Commission, supplemented by input from civil society organizations, for a transparent,



*Treaty Establishing a Constitution for Europe.*

broad, and far-reaching debate. The Convention drew up a Draft Treaty that was discussed and negotiated in the Intergovernmental Conference (a meeting of representatives of Member State governments) and that provided the basis for the Constitutional Treaty ultimately adopted by the Heads of State and Government in the European Council of June 2004.

The new Constitution will enter into force when ratified by all Member States. Each will follow its constitutional ratification procedures, in some cases including a popular referendum. If, two years after the signature of the Treaty (October 29, 2004), unanimous approval has not been reached but at least 80 percent of the Member States have ratified the Treaty, the matter will be referred to the European Council.

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#### EU GLOSSARY

*Intergovernmental Conference (IGC):* Meeting of the Member States' governments or representatives. Because treaty revisions require the convening of an Intergovernmental Conference (with final agreements being reached at the level of Heads of State and Government), IGCs play a major role in the European integration process.

# A Single Foundation for the European Union & Its Citizens

## THE PATH OF EUROPEAN INTEGRATION

- 1951 *Treaty Establishing the European Coal and Steel Community (ECSC)*: Belgium, France, Germany, Italy, Luxembourg, Netherlands.
- 1957 *Treaties of Rome: Treaty Establishing the European Economic Community (EEC), and Treaty Establishing the European Atomic Energy Community (EAEC)*.
- 1965 *Merger Treaty* merged into single Commission and single Council separate institutions of the three European Communities (ECSC, EEC, EAEC).
- 1973 Denmark, Ireland, United Kingdom join EC.
- 1979 First direct elections for European Parliament.
- 1981 Greece joins EC.
- 1986 Portugal and Spain join EC.
- 1986 *Single European Act (SEA)* took additional steps toward completion of Internal Market.
- 1992 *Treaty on European Union (TEU)/EC Treaty*, signed in Maastricht, Netherlands, introduced three pillar structure, adding new forms of intergovernmental cooperation in areas such as defense & security and justice & home affairs.
- 1992 “Formal completion” of Single Market.
- 1995 Austria, Finland, and Sweden join EU.
- 1997 *Treaty of Amsterdam*, revised and updated political and institutional provisions of earlier Treaties.
- 2001 *Treaty of Nice* (in force: 1 February 2003), readied the EU for institutional challenges of enlargement.
- 2002 Economic and Monetary Union: Euro begins circulating as single currency in twelve EU countries.
- 2004 Ten new countries join EU: Cyprus, Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia.
- 2004 *Treaty Establishing a Constitution for Europe* agreed to by Heads of State and Government. In force in 2006 upon ratification by Member States.
- (For treaties, date of signature provided above.)

The Constitutional Treaty will formally establish the European Union as a single legal entity (Art. I-7). It consolidates EU law by repealing and replacing all previous EU and EC Treaties and supplementary agreements (Art. IV-437), refines legislative procedure, and clarifies and streamlines the EU’s legal instruments (see box, page 4, Legal Instruments of the EU). Under the Constitution, the EU will maintain special procedures for foreign policy, security, and defense.

## EU and Member State “Competences”

The Constitution clarifies the areas of “competence,” or jurisdiction, of the European Union vis-à-vis the individual Member States (Art. I-11-12) (see box, EU and Member State Competences). EU law always enjoys primacy over Member State law and under the Constitutional Treaty, the EU will continue to have exclusive jurisdiction in certain areas – that is, where the Union acts alone on behalf of all the Member States. In these areas, Member States can legislate only when empowered to do so by the EU.

In most areas, the EU enjoys shared competence or jurisdiction with the Member States; Member States may legislate to the extent that the Union has not. Finally, the Union enjoys only “supporting” powers in certain areas, acting only to supplement or coordinate Member State action (Art. I-17). A flexibility clause allows the Parliament and a unanimous Council of Ministers to act beyond expressly attributed powers and so to ‘plug gaps’ where Union-level action is required (Art. I-18).

Under the Constitution, Member States will recognize that national economic and employment policies need to be coordinated within the Union (Art. I-15). The Constitution also allows the Union to define and implement a Common Foreign and Security Policy, including the progressive framing of a common defense policy. (Art. I-16)

## EU Membership

Under the Constitution, as previously, any European state that respects the Union’s values and is committed to promoting them may apply for membership. EU accession requires a unanimous Council of Ministers decision, approval by the European Parliament, and ratification of the accession agreement by all Member States. The Constitution also provides for suspension of Union rights in case of a serious and persistent breach of the Union’s values and introduces a mechanism for Member State withdrawal (Art. I-60).



Valéry Giscard d'Estaing, former French President and Chairman of the European Convention on the Future of the Union.

## European Citizenship & Fundamental Rights

Citizenship in the European Union complements – and does not replace – national citizenship. The Constitutional Treaty incorporates and makes legally binding the *Charter of Fundamental Rights* as it lays out the rights of European citizens, including the right to move and reside freely, the right to vote and to run for office in the European Parliament and in municipal elections, the right to diplomatic and consular protection, the right to petition the European Parliament, to redress grievances through an ombudsman, and the right of access to official information in any of the Union’s official languages. The Constitutional Treaty will thus oblige EU institutions and Member States alike to recognize the whole range of civil, political, economic, and social rights of European citizens and all persons resident in the EU when implementing Union law.

# EU Institutions & Democracy Under the Constitution

The Constitutional Treaty succeeds in realizing one of the major aims of the Convention on the Future of the European Union – to rationalize the institutional framework for EU governance, a goal made all the more important by the expansion of the EU to 25 members in May 2004. The Constitution reviews the existing institutional set-up while establishing the post of Minister for Foreign Affairs (see page 6, EU Foreign Policy Under the Constitution), changing the voting system in the Council of Ministers, and introducing other legislative reform.

## European Council

The European Council, composed of the Heads of State and Government of the Member States and the President of the Commission, sets the political agenda for other European institutions and provides guidance regarding the development of EU policies and programs. The Council, formally established as an institution under the Constitutional Treaty, meets quarterly.

The Constitution creates a new President of the European Council (who may not hold national office) to serve as chair of the body. The President will be elected by the membership for a term of 2½ years with the possibility of one re-election (Art. I-22-1).

## Council of Ministers

The Council of Ministers, currently known as the Council of the European Union, is the body through which individual Member State governments are represented in the European Union. There are nine different Council configurations, covering all the different policy areas; each Member State is represented at the ministerial level in each configuration of the Council.

The Council of Ministers exercises legislative and budgetary authority jointly with the European Parliament, although the power to initiate legislation resides with the European Commission. The Council is also the lead institution for economic policy coordination. The rotating presidency of different Council of Ministers formations has been retained in modified form, except for the External Relations Council (Art. I-24), which will be chaired by the Union Minister for Foreign Affairs. In a move toward greater transparency in governance, the Constitution will require that the Council meet in public when it deliberates and votes on legislative initiatives (Art. I-24-6).

## European Parliament

Under the Constitution, the European Parliament remains the principal voice of EU citizens among the European institutions. As noted above, the Parliament and Council of Ministers jointly exercise legislative and budgetary authority; in expanding the use of the "co-decision" procedure (see box, p. 5), the Constitution significantly enhances the role of Parliament. The Parliament exercises oversight of and can dismiss the Commission.

The Constitution establishes the maximum number of seats in the Parliament at 750 and allocates representation proportionally to the Member States on the basis of population, providing also that no Member State shall have fewer than six representatives nor greater than 96. Citizens of the EU directly elect Members of the European Parliament for a term of five years. Following passage of the Constitution, seats will be apportioned among the Member States prior to the 2009 parliamentary elections using the new formula (Art. I-20).

*"The Constitution strengthens democracy, transparency, and accountability in the Union. It lays down the Union's values and principles and provides a comprehensive legal basis for its policies."*

Romano Prodi,  
President of the European  
Commission, 1999-2004

## EU AND MEMBER STATE COMPETENCES (AREAS OF JURISDICTION)\*

### Exclusive EU Jurisdiction

Only the EU may legislate

- International agreements as specified by law and the Treaties
- Trade policy
- Competition rules necessary for internal market, e.g., anti-trust, state aid, mergers
- Monetary policy for Euro zone Member States
- Customs Union
- Conservation of marine biological resources (in common fisheries policy)

### EU-Member State Shared Jurisdiction

The EU or Member States may legislate to the extent that the Union has not

- Internal Market
- Economic, social, and territorial cohesion
- Agriculture and fisheries
- Environment
- Consumer protection
- Transport
- Energy
- Research, technological development, and space

- Development cooperation and humanitarian aid
- Trans-European networks
- Creating an "area of freedom, security, and justice"
- Common safety concerns in public health (e.g., epidemics, obesity, smoking)
- Certain aspects of social policy

### Supporting, Coordinating, and Complementary Actions

- Administrative cooperation
- Industry
- Civil protection (e.g., emergency preparedness and response)
- Education, vocational training, youth, sport
- Protection and improvement of human health
- Culture
- Tourism

\*Under the Constitution, Member States will recognize that national economic and employment policies need to be coordinated within the Union, and the Union may define and implement a Common Foreign and Security Policy, including the progressive framing of a common defense policy.

## MAJOR LEGAL INSTRUMENTS OF THE EU

### PRE-CONSTITUTION (Current)

#### “FIRST PILLAR” (EC, ECSC, and Euratom Treaties)

- Regulation, Directive, Decision
- Recommendation, Opinion

#### “SECOND PILLAR” (Common Foreign & Security Policy)

- Convention, Common Strategy
- Joint Action, Common Position
- Decision

#### “THIRD PILLAR” (Most police and judicial cooperation in criminal matters)

- Convention, Framework Decision
- Decision

### POST-CONSTITUTION BINDING

- Law
- Framework Law
- Regulation
- Decision

### NON-BINDING

- Recommendation
- Opinion



*Heads of State and Government and Foreign Ministers of the EU and candidate countries following the signature of the Constitutional Treaty in Rome, October 29, 2004.*

### European Commission

Under the Constitution, the European Commission, the executive arm of the EU, will continue to represent the common European interest of all Member States. The Commission has been known as the “Guardian of the Treaties,” in which role it ensures that Treaty provisions and Community decisions are respected and implemented by the European institutions and Member States.

The Commission is the driving force of the legislative process, proposing initiatives which are then acted upon by the Council of Ministers and the Parliament. The Commission administers the budget and manages EU policies and programs with heavy reliance on national administrations. The Commission is headed by a “college” of Commissioners that decides by majority vote, although decisions are usually reached by consensus.

The Commission represents the EU externally and conducts international negotiations, with the exception of the Common Foreign & Security Policy. Under the Constitution, the new Minister for Foreign Affairs will be Vice-President of the Commission and will coordinate Commission international relations activities.

Beginning with the Commission taking office in November 2004, and continuing through 2014, membership is comprised of one Commissioner per Member State (doing away with the old method of larger states having two Commissioners). From

2014 on, the Constitution will fix the number of Commissioners at 2/3 the number of Member States and will ensure an equal rotation among Member States that reflects the demographic and geographical range of the entire EU (Art. I-26). The European Council nominates the Commission President who is then elected by the Parliament; with the agreement of the President-elect of the Commission, the Council approves new Commissioners as proposed by individual Member States. The President and the entire slate of Commissioners are subject to individual hearings and a collective vote of approval by the European Parliament, which also has the authority to dismiss the entire Commission through a motion of censure.

### Court of Justice of the European Union

Under the Constitution, the Court of Justice of the EU will continue to enforce EU law. The Court has jurisdiction in disputes between Member States, between the EU and Member States, between EU institutions, and between individuals or private companies and EU institutions (Art I-29). On petition from Member State national courts, the Court also issues preliminary rulings that interpret Union law or the validity of acts adopted by European institutions, helping to ensure a uniform interpretation of EU law throughout the Union. The Court of Justice of the European Union comprises the Court of Justice, the General Court (now called the Court of First Instance), and specialized courts.

## Legislative Procedure Under the Constitution

The Constitutional Treaty strengthens the “co-decision procedure” (the Parliament and Council of Ministers jointly considering legislative proposals of the Commission), making it the norm for legislative decision-making. The procedure provides a sort of “dual legitimacy” to Union action by allowing for both Member State government approval via the Council as well as the endorsement of the people through the Parliament.

Parliamentary voting is carried out by a majority of votes cast unless specified otherwise. Votes in the Council are currently decided by “qualified majority,” calculated using weighted votes based in part on population – for example, Germany has 29 votes, Hungary 12, and Luxembourg four. A qualified majority is reached when at least 232 votes out of a possible total 321 (and representing a majority of Member States) are cast in favor of a decision.

Under the Constitution, as of 2009, the new qualified majority in the Council of Ministers will consist of a “double majority” representing at least 55 percent of the Member States and no fewer than 15 individual states, which in turn must represent at least 65 percent of the EU population (Art. I-25). A “blocking minority” must consist of at least four Member States under the new system (eliminating the mathematical possibility that three large states could block action by themselves); at least  $\frac{3}{4}$  of the blocking minority (either three Member States or  $\frac{3}{4}$  of the total population of the blocking minority States) can demand the postponement of a vote to allow further discussion and additional time to reach a broader consensus within the Council. Under the Constitutional Treaty, qualified majority voting will be used in a number of areas where unanimity was required previously, easing the decision-making process in the Council.

## Democratic Rights & Citizen Participation

The European Council, from the start of the process leading to the Convention on the Future of the European Union, called for changes to bring the EU closer to its citizenry and to enhance the Union’s democratic character. The Constitutional Treaty that emerged accordingly incorporates new provisions designed to increase participatory democracy and good governance.

In addition to the expansion of the co-decision

## EU INSTITUTIONS AND THE CONSTITUTION

### European Commission

- Continues as “executive branch” of EU
- Proposes legislation
- Manages and implements EU policies and budget
- Enforces EU law under the control of the Court of Justice
- Conducts international negotiations (with the exception of CFSP)
- Safeguards broader European interest

### European Council

- Defines general political directions and priorities of EU
- Consists of Heads of State or Government of Member States, together with its own President and President of the European Commission
- Does not exercise legislative functions
- Established by Constitution as institution distinct from Council of Ministers

### Council of Ministers

- Remains key decision-maker (along with Parliament), but with revised system of qualified majority voting
- Adopts European laws, generally in conjunction with European Parliament
- Coordinates broad economic policies of Member States
- Concludes agreements with other nations and international organizations
- Approves EU budget jointly with European Parliament
- Represents the Member States: meetings are comprised of a minister from each EU Member State government

### European Parliament

- Directly elected members represent citizens of EU
- Legislative and budgetary responsibility shared with Council
- Continues democratic supervision of all EU institutions and retains power to censure Commission
- From 2009, membership capped at 750: no Member State will have fewer than 6 nor more than 96 representatives
- Representatives sit not by nationality or party, but by broad political groups

### Court of Justice of the EU

- Continues to enforce EU law
- Ensures uniform interpretation and application of EU Treaties and laws throughout Member States
- Rules on the interpretation of treaties and on the validity and interpretation of EU law at request of Member State national courts
- Under Constitution, businesses and members of public can more easily bring an action against EU’s regulatory acts, even if not affected individually

## EU GLOSSARY

*Co-Decision Procedure:* Gives the European Parliament the power to adopt legislative initiatives jointly with the Council of Ministers, thus enhancing the democratic nature of Union action. Established as the ordinary legislative procedure under the Constitution.

# EU Foreign Policy

## Union Minister of Foreign Affairs

The Constitution provides a dramatic change to clarify and strengthen the European Union's ability to act on the world stage: the creation of the new post of Union Minister of Foreign Affairs. The Foreign Affairs Minister will serve as Vice-President of the Commission and will be responsible for conducting the Union's Common Foreign and Security Policy and for representing the Union on the international scene. The Minister will be assisted by a diplomatic corps made up of officials from the Council, the Commission, and the national foreign services.

The post merges present roles of the Council's High Representative for Common Foreign and Security Policy and the European Commissioner responsible for External Relations, encompassing the Commission's traditional external relations function as well as the coordination of other aspects of EU external action. The Foreign Affairs Minister will chair the External Relations Council and conduct Common Foreign and Security Policy as mandated by the Council of Ministers.

The European Council, acting by qualified majority and with the agreement of the Commission President, will appoint the Union Minister for Foreign Affairs (Art. I-28). Javier Solana, the current EU High Representative, has been designated to fill the post upon ratification and entry into force of the Constitution.

When voting on foreign policy matters, the Council of Ministers will continue to require unanimous vote for decisions (Art. III-300).

## Common Union Defense Policy

The European Union's defense policy is slowly evolving in a manner that fully respects the different cultures and political commitments of the Member States, thus avoiding any challenge to the neutrality of

### POST-2009 QUALIFIED MAJORITY VOTING

- 55% of Council members representing at least 65% of the population of the EU
- Blocking Minority to include at least four Council members
- Member States forming ¾ of a blocking minority may demand postponement of a vote

*“The Constitution adopted by the European Council...seeks to increase the capacity for action of the EU....The list of peace-keeping, conflict prevention, and strengthening international security tasks for which the Union may use civilian and military means has been considerably enlarged by the Constitution. It now specifically includes the use of combat forces for crisis management, including peace-making and post-conflict stabilization, as well as the possibility of acting in the fight against terrorism.”*

Javier Solana, EU High Representative for Common Foreign and Security Policy

procedure, which enhances the role of Parliament, the Constitution creates a new mechanism to provide for direct legislative input from EU citizens: a minimum of one million citizens may submit a proposal to the European Commission “on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution” (Art. I-47). EU institutions are to conduct their work as openly as possible in the name of good governance and, as noted above, the Constitution will require that the Council of Ministers meet in public when it considers legislative initiatives (Art. I-24-6).

The Constitution imposes new requirements on the European institutions to engage in dialogue with citizens and civil society organizations and to consider their views when formulating EU policy (Art. I-47). Via an “early warning” mechanism under the Constitutional Treaty, Member State parliaments will more closely monitor actions of the European Commission; if one-third of national parliaments determine that a proposal does not comply with the principle of subsidiarity (see box, EU Glossary), i.e., that it would be more effectively implemented at the national, regional, or local level, then the Commission must reconsider the measure.

### CURRENT DISTRIBUTION OF VOTES IN THE COUNCIL OF THE EU (Council of Ministers)

Austria	10	Latvia	4
Belgium	12	Lithuania	7
Cyprus	4	Luxembourg	4
Czech Republic	12	Malta	3
Denmark	7	Netherlands	13
Estonia	4	Poland	27
Finland	7	Portugal	12
France	29	Slovakia	7
Germany	29	Slovenia	4
Greece	12	Spain	27
Hungary	12	Sweden	10
Ireland	7	United Kingdom	29
Italy	29	Total	321

Qualified Majority: 232 representing majority of Member States

### EU GLOSSARY

**Proportionality:** A long-standing and fundamental principle in EU law, enshrined in the Constitutional Treaty, stating that the EU may act only to the extent needed to achieve Treaty objectives, and no further.

**Subsidiarity:** Another long-held legal principle stating that the EU shall act only when Union action is more effective than that taken at national or sub-national level. (The principle ensures that actions are as close to citizen-level as possible.)

# Under the Constitution



EU High Representative Javier Solana, European Commission President José Manuel Barroso, Irish Taoiseach Bertie Ahern, and Romano Prodi, European Commission President 1999-2004, at the Extraordinary European Council in Brussels, June 29, 2004.

some Member States and the risk of assuming a competitive posture with NATO. The Constitution provides for “the progressive framing of a common Union defense policy” and enables Member States that have entered into other binding military commitments with one another (e.g., NATO), to establish permanent, structured cooperation within the Union framework (Art. I-41).

**European Armaments, Research, and Military Capabilities Agency.** The Constitution mandates a new European Armaments, Research, and Military Capabilities Agency to reduce duplication and redundancy among the individual Member States’ military programs. The agency will help identify European capabilities and define an armaments policy, strengthen the industrial and technological base of the defense sector, and help the Council evaluate the progress of efforts to improve military capabilities.

**Mutual Solidarity.** Upon joining the European Union, Member States agree to mutual solidarity. The Constitution provides that in the event of a terrorist attack upon a Member State or a natural or man-made disaster, the Union shall mobilize all instruments at its disposal, including Member State military resources, to respond as necessary to the event and render assistance to the affected Member State(s) (Art. I-43).

**International Agreements & the Common Foreign and Security Policy.** Under the Constitution, as previously, the European Commission generally negotiates international agreements; the Council, along with the European Parliament, retains the responsibility to either ratify or reject such accords. Where a matter relates principally to the Common Foreign and Security Policy, negotiations are conducted by the EU Foreign Minister, and the Council must agree unanimously on ratification.

## THE CONSTITUTIONAL TREATY: BENEFITS FOR TRANSATLANTIC RELATIONS

- Union Foreign Minister is a single voice for EU external relations, providing a “single phone number” for US and other governments
- Unified diplomatic service under the Union Foreign Minister will consolidate EU representation and ease day-to-day EU-US bilateral contacts and relations
- Formalizing EU as a single legal personality provides clearer international position for implementing policies and conducting negotiations
- Simplified lawmaking and streamlined Treaty text contribute to better understanding between partners

## UNION MINISTER OF FOREIGN AFFAIRS

- Innovative inter-institutional post, combining current tasks of Council High Representative with Commissioner for External Affairs
- Represents EU internationally
- Conducts Common Foreign and Security Policy as mandated by Council of Ministers
- Coordinates, as Vice-President of the European Commission, external actions of the Commission
- Chair of Council of Ministers’ External Relations Council

*“This European Constitution will enable the European Union to become more transparent and more democratic. . . . It reflects the needs of a community of nations that has dramatically broadened its membership. That community will continue to expand and face new challenges into the future.”*

Irish Taoiseach Bertie Ahern

## JUSTICE & HOME AFFAIRS – CREATING A EUROPEAN AREA OF FREEDOM, SECURITY, AND JUSTICE.

The Constitution introduces significant changes, including more democratic decision-making processes, to enhance the Union’s ability to help create and strengthen a European area of “freedom, security, and justice,” a principal goal of the Union laid out in previous treaties. This relatively new policy area of “Justice & Home Affairs” includes immigration, asylum, border control, and police and judicial cooperation.

### Immigration, Asylum, & Border Control.

The Constitution empowers the European Union to develop a common policy on immigration to better manage migration flows, ensure fair treatment, and prevent illegal immigration and human trafficking. The Union will establish a common European asylum system, including providing a uniform status for refugees as well as common procedures for Member States in dealing with refugees.

The EU will maintain the “Schengen Area,” a grouping of most Member States and certain non-EU countries, free of internal border controls, and will establish rules for those entering from non-EU or non-Schengen countries. The Union is empowered to assist and support the border control operations of Member States. In all of these areas, the Constitution grants the European Parliament a new role in the legislative decision-making process, previously the exclusive province of the Council of

Ministers. The Constitution also specifies that the Court of Justice will hold the power of judicial review of enactments.

**Police & Judicial Cooperation.** Under the Constitution, the EU will continue to promote judicial cooperation between Member States and the Union in matters of criminal and civil cooperation. In addition to introducing more democratic and transparent procedures, the Constitution allows for a grouping of at least ¼ of Member States to submit initiatives in this area and establishes qualified majority voting as the rule in most instances, dropping almost completely the previous Member State right of veto.

The European Parliament and Council of Ministers are empowered under the Constitution to establish common definitions and penalties for a list of serious crimes such as terrorism or drug trafficking and to establish framework or model laws for criminal procedure and the rights of victims and of the accused. The EU may decide at a future point to establish a European Prosecutor’s Department for serious cross-border crime (unanimous agreement in the Council of Ministers would be required). The Constitution also provides for scrutiny of Europol, the European Police Office, by both the European Parliament and Member State parliaments.

## Building a Stronger and More Unified Europe

The European Constitutional Treaty represents a significant step forward for European integration. With a European Union of 25 Member States, 20 official languages, and the prospect of additional growth on the horizon, the Constitution’s initiative to streamline and clarify processes and procedures, while introducing key new concepts and greater transparency and democratic accountability, will help the Union solidify its role in building a stronger and more unified Europe.



May 1, 2004 Enlargement Day Celebration



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