



EUROPEAN CITIZENS' CONVENTION

7th – 9th NOVEMBER 2013

PALACE OF THE PARLIAMENT
BUCHAREST, ROMANIA

DRAFT
CONSTITUTION FOR A EUROPEAN FEDERATION

made by European Citizens for European Citizens



"Nothing is stronger than an idea whose time has come"

Victor Hugo (1802 - 1885)

PREAMBLE

We, the Citizens of Austria, Belgium, Cyprus, Germany, Estonia, Finland, France, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Slovakia and Spain establish this Constitution for all countries in the Eurozone, and furthermore for each country entering the Eurozone, with the goal of forming a Federation that guarantees freedom, order, safety, happiness, justice, defense of the Federation against enemies, sustainability of the environment as well as acceptance and tolerance of the diversity of cultures, convictions, ways of life and languages of all who live and will live in the territory that belongs to the jurisdiction of the Federation.

Article I – The Federation and the Bill of Rights

1. The European Federation is formed by the Citizens and the States, participating in the Federation.
2. The powers not delegated to the European Federation by the Constitution, nor prohibited to the States by this Constitution, are reserved to the Citizens or to the respective States.
3. The European Federation endorses the rights, freedoms and principles as written in the Charter of the Fundamental Rights of the European Union, excluding the principle of subsidiarity, as mentioned in the Preamble of this Charter. The European Federation accedes to the European Convention on Human Rights and Fundamental Freedoms.

Article II – Organization of the Legislature

Section 1- Setting the European Congress

1. The legislature of the European Federation rests with the European Congress. It consists of two Houses: the House of the Citizens and the House of the States, under the name Senate.
2. The European Congress and its two separate Houses have their residence in Brussels.

Section 2 – The House of the Citizens

1. The House of the Citizens is composed of the representatives of the Citizens of the European Federation. Each member of the House has one vote. The members of this House are elected for a term of six years by the Citizens of the Federation qualified to vote, united in one constituency. The election of the members of the House of the Citizens takes place each time in the month May, and for the first time in the year 20XX. They enter office at the latest on June 1st of the election year. The members resign on the third day of the month May in the final year of their term. They can be re-elected twice in succession.
2. Eligible are those who have reached the age of thirty years and are registered as Citizen of a State of the Federation during at least seven years.
3. The members of the House of the Citizens have an individual mandate. They carry out this mandate without instructions, in the general interest of the Federation. This mandate is incompatible with any other public function.
4. The right to vote in elections for the House of the Citizens belongs to anybody who has reached the age of eighteen years and is registered as Citizen in one of the States of the Federation, regardless of the number of years of that registration.
5. The House of the Citizens choose their Chairperson, with the right to vote, and appoint their own personnel.

Section 3 – The House of the States, or the Senate

1. The Senate is composed of eight representatives per State. Each Senator has one vote. The Senators are appointed for a term of six years by and from the legislature of the States, provided that after three years half the number of Senators resign. The first appointing of the full Senate takes place within the first five months of the year 20XX. The three-yearly appointments to replace half of the Senators takes place in the first five months of that year. The Senators enter

their office at the latest on June 1st of the year of their appointment. They resign on the afternoon of the third day of the month May in the final year of their term. The Senators who resign are immediately re-appointable for a further term of three years. Each Senator has one vote. The Rules of Proceedings of the Senate regulate the way of resigning of one half of the Senate.

2. Eligible as Senator are those who have reached the age of thirty years and who have been registered for a period of at least seven years as Citizen of a State of the European Federation.
3. The Senators have an individual mandate. They carry out this mandate without instructions, in the general interest of the Federation. This mandate is incompatible with any other public function.
4. The Vice-president of the European Federation chairs the Senate. He has no right to vote unless the votes are equally divided.
5. The Senate elects a Chairperson pro tempore who in the absence of the Vice-president, or when he is acting President, leads the meetings of the Senate. The Senate appoints its own personnel.
6. The Senate holds the exclusive power to preside over impeachments. In case the President, the Vice-president or a member of Congress is impeached the Senate will be chaired by the Chief Justice of the Court of Justice. In case a member of that Court is impeached the President will chair the Senate. No one shall be convicted without a two third majority vote of the members present.
7. Conviction in cases of impeachment shall not extend further than the removal from office and disqualification from holding any office of honor, trust or salaried office within the European Federation. The convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

Section 4 – The European Congress

1. The time, place and manner of electing the members of the House of the Citizens and of appointing the members of the Senate are determined by the European Congress.
2. The European Congress convenes at least once per year. This meeting will begin on the third day of January, unless Congress determines a different day by law.
3. The European Congress settles Rules of Proceedings for its manner of operating.

Section 5 – Rules of Proceedings of both Houses

1. Each House settles Rules of Proceedings. They regulate what subjects require a quorum, how the presence of members can be enforced, what sanctions can be imposed in case of structural absence, what powers the Chairperson has to restore order and how the proceedings of meetings and votings are recorded.
2. The Rules of Proceedings regulate punishment of members of the House in the case of disorderly behavior, including the power of the House to expel the member permanently by a two third majority.
3. During meetings of the European Congress no House may adjourn for more than three days without the consent of the other House, nor may it move its seat outside of Brussels.

Section 6 – Compensation and immunity of members of Congress

1. The members of both Houses receive a salary for their work, determined by law, to be paid monthly by the Treasury of the European Federation. Next to that they receive a compensation for travel and accommodation expenses in accordance with the real expenses made, and confined to the travels and activities justified by their work.
2. The members of both Houses are in all cases, except treason, felony and disturbance of the public order, exempted from arrest during their attendance at sessions of their respective House and in going to and returning from that House. For any speech or debate in either House they are not to be questioned in any other location.

Article III – Powers of the Legislative Branch

Section 1 - Way of proceeding to make laws

1. The House of the Citizens has the power to initiate tax laws for the European Federation. The Senate has the power – as is the case with other law initiatives by the House of the Citizens – to propose amendments in order to adjust federal tax laws.
2. Both Houses have the power to initiate laws. Each draft law of a House will be presented to the President of the European Federation. If he/she approves the draft he/she will sign it and forward it to the other House. If the President does not approve the draft he/she will return it, with his/her objections, to the House initiating the draft. That House records the presidential objections and proceeds to reconsider the draft. If, following such reconsideration, two thirds of that House agree to pass the bill it will be sent, together with the presidential objections, to the other House. If that House approves the bill with a two third majority it becomes law. If a bill is not returned by the President within ten working days after having been presented to him/her, it will become law as if he/she had signed it, unless Congress by adjournment of its activities prevents its return within ten days. In that case it will not become a law.
3. Any order, resolution or vote, other than a draft law, requiring the consent of both Houses – except for decisions with respect to adjournment – are presented to the President and need his/her approval before they will gain legal effect. If the President disapproves, this matter will nevertheless have legal effect if two thirds of both Houses approve.

Section 2 – Substantive powers of the Houses of the European Congress

The European Congress has the power:

- a. to impose and collect taxes, imposts and excises to pay the debts of the European Federation and to provide in the expenses needed to fulfill the guarantee as described in the Preamble, whereby all taxes, imposts and excises are uniform throughout the entire European Federation;
- b. to borrow money on the credit of the European Federation;
- c. to regulate commerce among the States of the European Federation and with foreign nations;
- d. to regulate throughout the European Federation uniform migration and integration rules, what rules will be co-maintained by the States;
- e. to regulate uniform rules on bankruptcy throughout the European Federation;
- f. to coin the federal currency, regulate its value, and fix the standard of weights and measures; to provide in the punishment of counterfeiting the securities and the currency of the European Federation;
- g. to regulate and enforce the rules to further and protect the climate and the quality of the water, soil and air;
- h. to regulate the production and distribution of energy;
- i. to make rules for the prevention, furthering and protection of public health, including professional illnesses and labor accidents;
- j. to regulate any mode of traffic and transportation between the States of the Federation, including the transnational infrastructure, postal facilities, telecommunications as well as electronic traffic between public administrations and between public administrations and Citizens, including all necessary rules to fight fraud, forgery, theft, damage and destruction of postal and electronic information and their information carriers;
- k. to further progress of scientific findings, economic innovations, arts and sports by safeguarding for authors, inventors and designers the exclusive rights of their creations;
- l. to establish federal courts, subordinated to the Supreme Court;
- m. to fight and punish piracy, crimes against international law and human rights;
- n. to declare war and make rules concerning captures on land, water or air; to raise and support a European defense (army, navy, air force); to provide for a militia to execute the laws of the Federation, to suppress insurrections and to repel invaders;
- o. to make all laws necessary and proper for carrying out the execution of the foregoing powers and of all other powers vested by this Constitution in the Government of the European Federation or in any Ministry or Public Officer thereof.

Section 3 – Guaranteed rights of individuals

1. The immigration of people, by States considered to be permissible, is not prohibited by the European Congress before the year 20XX.
2. The right of habeas corpus is not suspended unless deemed necessary for public safety in cases of revolt or an invasion.
3. The European Congress is not allowed to pass a retroactive law nor a law on civil death. Nor pass a law impairing contractual obligations or judicial verdicts of whatever court.

Section 4 – Constraints for the European Federation and its States

1. No taxes, imposts or excises will be levied on transnational services and goods between the States of the European Federation.
2. No preference will be given through any regulation to commerce or to tax in the sea ports and air ports of the States of the European Federation; nor will vessels or aircrafts bound to, or from one State, be obliged to enter, clear or pay duties in another State.
3. No State is allowed to pass a retroactive law nor a law on civil death. Nor pass a law impairing contractual obligations or judicial verdicts of whatever court.
4. No State will coin its own currency or emit bills of credit.
5. No State will, without the consent of the European Congress, impose any tax, impost or excise on the import or export of services and goods, except for what may be necessary for executing inspections of import and export. The net yield of all taxes, imposts or excises, imposed by any State on import and export, will be for the use of the Treasury of the European Federation; all related regulations will be subject to the revision and control by the European Congress.
6. No State will, without the consent of the European Congress, have an army, navy or air force, enter into any agreement or covenant with another State of the Federation or with a foreign State, or engage in a war, unless it is actually invaded or facing an imminent threat which precludes delay.

Section 5 – Constraints for the European Federation

1. No money shall be drawn from the Treasury but for the use as determined by federal law; a statement on the finances of the European Federation will be published yearly.
2. No title or nobility will be granted by the European Federation. No person who under the European Federation holds a public or a trust office accepts without the consent of the European Congress any present, emolument, office or title of any kind whatever, from any King, Prince or foreign State.

Article IV – Organization of the Executive Branch

Section 1- Establishing the offices of the President and the Vice President

1. The executive power is vested in the President of the European Federation. He/she is in office for a term of four years, together with the Vice President who shall also be in office for a term of four years. The President and the Vice President are elected as a duo by the Citizens of the European Federation, which has to that goal one constituency. They are re-electable – forthwith – for one term.
2. The election of the President and the Vice President of the European Federation will be held on the third Friday in the month of October; the first election in the year 2016. To bridge the period between ratification of the Constitution of the European Federation and the first election of its President and Vice President the European Congress appoints from its midst an acting President. This acting President is not electable as President, nor as Vice President, at the first Presidential election of the European Federation.
3. Electable for President or Vice President is any person who, at the moment of his candidacy, to be set by federal law, has reached the age of thirty five years, who has the nationality of one of the States of the European Federation and who has been registered as a Citizen of one of the States of the Federation for at least fifteen years.
4. The President receives a salary for this position, set by the European Congress. The salary shall

not be increased nor decreased during the term of his/her presidency, and he/she does not receive any other compensation or in kind from the European Federation, nor from any individual State of the Federation, nor from any other public institution within or outside of the Federation, nor from a private institution or person.

5. Before the President enters his/her office he/she will pledge, in front of the Chief Justice of the Court of Justice, in the month of January in which his/her office begins, the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of the President of the European Federation and shall to the best of my ability preserve, protect and defend the Constitution of the European Federation.

Section 2 – Vacancy and end of the term of the President and the Vice President

1. The President and the Vice President will be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors. In case of removing the President from office, his/her death or his resignation, the Vice President will become President.
2. Whenever there is a vacancy in the office of the Vice President the President will nominate a Vice President who will take the office upon confirmation by a majority vote of both Houses of the European Congress.
3. Whenever the President transmits to the President pro tempore of the Senate and the Chairperson of the House of the Citizens his/her written declaration that he/she is unable to execute the powers and duties of his/her office, and until he/she transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.
4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Chairperson of the House of the Citizens their written declaration that the President is unable to execute the powers and duties of his/her office, the Vice President shall immediately assume the powers and duties of the office as Acting President.
5. Thereafter, when the President transmits to the President pro tempore of the Senate and the Chairperson of the House of the Citizens his/her written declaration that no inability exists, he/she shall resume the powers and duties of his/her office unless the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may provide by law, transmit within four days to the President pro tempore of the Senate and the Chairperson of the House of the Citizens a new written declaration that the President is unable to execute the powers and duties of his/her office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his/her office, the Vice President shall continue to execute the same as Acting President; otherwise, the President shall resume the powers and duties of his/her office.
6. The terms of the President and the Vice President will end at noon on the 20th day of January in the final year of their term. The terms of their successors will then begin.
7. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President elect is unable to pledge the oath or affirmation or beginning his office, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Article V – Powers and tasks of the President

Section 1 – Presidential powers

1. The President is commander in chief of the armed forces, security agencies and militia of the European Federation.
2. He/she appoints Ministers, Ambassadors, other Envoys, Consuls and all public officials of the executive branch of the European Federation whose appointment is not regulated otherwise in this Constitution and whose offices are based on a law. He/she removes from office all public officials of the European Federation after their conviction of treason, bribery or other high crimes and misdemeanors.
3. He/she may seek the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices.
4. He/she has the power to grant amnesty and grace for offenses against the United States, except in cases of impeachment.
5. He/she has the power to make treaties, by and with the advice and consent of the Senate, provided two thirds of the Senators present concur.
6. He/she nominates and appoints judges of the Constitutional Court of Justice and of Federal Courts, by and with the advice and consent of the European Congress.
7. He/she organizes once per year a consultative referendum among all Citizens of the European Federation with the right to vote in order to obtain the opinion of the European people with respect to the execution of the federal policy domains. The referendum shall be executed under the umbrella of the European Digital Agenda.
8. He/she organizes a decisive referendum among all Citizens of the European Federation with the right to vote on the question of whether or not the European Federation should accede to, or should co-establish, an international organization with compulsory regulating power, after advice of the Senate about this acceding or co-establishing.
9. He/she may organize a referendum among all Citizens of the European Federation with the right to vote on a draft law that has met objections by the President according to Article III of this Constitution and about which the Houses of Congress after these presidential objections do not come to an agreement during two years. The term of two years begins as from the first plenary vote in the House that did not initiate the draft law.

Section 2 – Presidential tasks

1. The President gives the European Congress once per year information about the State of the Federation and recommends measures that he judges necessary.
2. The President may on extraordinary occasions convene both Houses of the European Congress or either of them, and in case of disagreement between them with respect to the time of adjournment he/she may adjourn them to such time as he/she thinks proper.
3. The President receives Ambassadors and other foreign Envoys.
4. The President takes care that the laws are faithfully executed.
5. The President commissions the tasks of all government officials of the European Federation.

Article VI – The Judicial Branch

Section 1 – Organization

The judicial power of the European Federation is vested in a Constitutional Court of Justice. European Congress may decide to install lower federal courts in States. The judges of the Constitutional Court of Justice as well as those of the lower federal courts hold their office as long as their conduct is good. For their services they receive a salary which during their office cannot be reduced.

Section 2 – Powers of Federal Courts

1. The federal judicial branch has the power to judge in all conflicts arising under this Constitution;

with respect to all laws of the European Federation; to treaties made, or that shall be made under the authority of the European Federation; to all cases affecting Ambassadors, other Envoys and Consuls; to all cases of a maritime nature; to all cases in which the European Federation is a party; to controversies between two or more States, between a State and Citizens of another State, between Citizens of several States, between Citizens of the same State in matters of land in another State and between a State or Citizens of that State and foreign States of Citizens thereof.

2. The Constitutional Court of Justice has the exclusive power in all cases in which only States, Ministers, Ambassadors and Consuls are party. In all other cases, as mentioned in Clause 1, the Constitutional Court of Justice is the court of appeal, unless European Congress decides otherwise by law.
3. Except in cases of impeachment, the trial of crimes, as determined by law, will be by jury. These trials will be held in the State where the crime has been committed. If they have not been committed within any State the trial will be held at such place or places as decided by law by European Congress.

Section 3 – High treason

1. High treason against the European Federation shall only consist of levying war against the Federation, or of adhering to its enemies by giving them aid and comfort. No person shall be convicted of high treason without the testimony of at least two witnesses to the crime, or on confession in open court.
2. European Congress has the power to declare the punishment for high treason, but in no way a verdict of high treason shall lead to attainder or confiscation for the offspring of the convicted person.

ARTICLE VII – The Citizens, the States and the Federation

Section 1- The Citizens

1. The Citizens of each State of the European Federation possess also the Citizenship of the European Federation with all the associated political and other rights. The Citizens of a Member State are also entitled to all rights and favors of the Citizens of any other State of the Federation.
2. A minimum of 300,000 Citizens of the European Federation is required to present a draft law to the European Congress. This draft describes only the contours of the goal or is a draft law. It will laid down as a People's Initiative at the Registry of the House of the Citizens. Congress and the President decide on the receptivity of the People's Initiative. The House of the Citizens deals with this People's Initiative according to its legislative procedures. Both Houses of Congress make a final decision regarding this proposal within two years of its registration. In case one House accepts a draft law as a result of this People's Initiative, while the other House rejects this draft or does not make a decision within the determined time period, the President presents the accepted draft law with the advice of each House regarding this People's Initiative to the Citizens of the Federation and to the legislatures of the States. In case the presented draft law is accepted, by a simple majority, by the Citizens and by the States, it will become federal law. Should there be no such majority this People's Initiative is rejected. Should neither House make a decision within the determined time period the President presents the People's Initiative to the Citizens of the Federation. They decide by simple majority whether the People's Initiative should be maintained. In case it is maintained the People's Initiative will be dealt with again by Congress. Congress makes a final decision carrying the overall meaning of the People's Initiative, under the supervision of the President. Congress determines by law the procedure for dealing with a People's Initiative without committing itself to substantive conditions.
3. A person convicted in any State of the Federation for high treason, felony or other crimes, fleeing from justice and found in a different member State, will at the request of the executive authority of the State from which he/she fled, be surrendered to the State with jurisdiction relating to that crime.
4. Slavery or any form of compulsory servitude, except in case of punishment for a crime for which

the said person has been lawfully convicted, will be ruled out in the European Federation or in any territory under federal jurisdiction.

Section 2 – The States

1. Full faith and credit will be given in each State to the public acts, records and judicial proceedings of all other States. Congress may prescribe by general law the manner in which such acts, records and proceedings will be proved, and the effects thereof.
2. The States of the European Federation have the exclusive power to regulate matters of Citizenship. A State's Citizenship is valid in any other State of the Federation.
3. States may join the European Federation with the consent of a two-third majority of the Citizens of the acceding State, a two third majority of the legislative branch of the acceding States, a two-third majority of the Citizens of the Federation and a two-third majority of each House of the European Congress, in this order. The European Federation takes note of this consent and acts accordingly.
4. States joining the European Federation after the Constitution having come into force retain their debts and are bound to the laws of the Federation as of the moment of their accession.
5. Any change in the number of States of the European Federation will be subjected to the consent of a two-third majority of the Citizens of the concerned States, a two-third majority of the legislative branch of all States and a two-third majority of each House of the European Congress, in that order.

Section 3 – The Federation

1. The European Federation will guarantee a representative democracy for each Member State and will protect them against an invasion and, at the request of the legislative branch, or that of the executive branch in case the legislative branch cannot convene, against internal violence.
2. The European Federation will not interfere with the internal organization of the States of the Federation.
3. The European Congress has the power to have at their disposal and make all necessary regulations with respect to the territory or other possessions belonging to the European Federation.

Article VIII – Changing the Constitution

The European Congress is authorized to propose amendments on this Constitution, each time a two third majority in both Houses consider this necessary. If the legislative branches of two thirds of the States consider it necessary Congress will hold a Convention with the assignment of proposing amendments to the Constitution. In both cases the amendments will be a valid part of the Constitution after ratification by three quarters of the Citizens of the European Federation, three quarters of the legislative branches of the States and three quarters of each House of the European Congress, in this order.

Article IX – Federal Loyalty

1. This Constitution and the laws of the European Federation, which will be made in connection with the Constitution, and all treaties, made or to be made under the authority of the European Federation, are the supreme law of the Federation. The judges in every State will be bound hereby, notwithstanding any other regulation in the Constitution or the laws of any State.
2. The members of the European Congress, the members of the legislative branches of the States and all executive and judicial officers, both of the European Federation and of the States, will be bound by an oath or affirmation to support this Constitution. But no religious test shall ever be required as a qualification for any office or public trust under the European Federation.

Article X – Transitional Measures and Ratification of the Constitution

1. All debts entered and engagements contracted by States before the ratification of this Constitution will remain valid within the European Federation.
2. The ratification by a simple majority of the Citizens of nine States of the Eurozone will be sufficient for this Constitution of the European Federation to come into force.

