



EUROPEAN UNION

TREATY ESTABLISHING A

# Constitution for Europe



TREATY ESTABLISHING  
A CONSTITUTION FOR EUROPE

## INTRODUCTORY NOTE

This publication contains the text of the *Treaty establishing a Constitution for Europe* as signed in Rome on 29 October 2004 and published in the *Official Journal of the European Union* on 16 December 2004 (C series, No 310).

It should be noted that this text will take effect only on the date of its entry into force, as provided for in Article IV-447 (2) of that Treaty.

This text has been produced for documentary purposes and does not involve the responsibility of the institutions.

Further information on the Constitution and the process for drafting it are available on the site set up to inform Europe's citizens: <http://europa.eu.int/constitution>.

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A great deal of additional information on the European Union is available on the Internet. It can be accessed through the Europa server (<http://europa.eu.int>).

Cataloguing data can be found at the end of this publication.

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## PART IV

### GENERAL AND FINAL PROVISIONS

#### *Article IV-437*

#### **Repeal of earlier Treaties**

1. This Treaty establishing a Constitution for Europe shall repeal the Treaty establishing the European Community, the Treaty on European Union and, under the conditions laid down in the Protocol on the acts and treaties having supplemented or amended the Treaty establishing the European Community and the Treaty on European Union, the acts and treaties which have supplemented or amended them, subject to paragraph 2 of this Article.

2. The Treaties on the Accession:

- (a) of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland;
- (b) of the Hellenic Republic;
- (c) of the Kingdom of Spain and the Portuguese Republic;
- (d) of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, and
- (e) of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic,

shall be repealed.

Nevertheless:

- the provisions of the Treaties referred to in points (a) to (d) and set out or referred to in the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall remain in force and their legal effects shall be preserved in accordance with that Protocol,
- the provisions of the Treaty referred to in point (e) and which are set out or referred to in the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall remain in force and their legal effects shall be preserved in accordance with that Protocol.

*Article IV-438***Succession and legal continuity**

1. The European Union established by this Treaty shall be the successor to the European Union established by the Treaty on European Union and to the European Community.
2. Until new provisions have been adopted in implementation of this Treaty or until the end of their term of office, the institutions, bodies, offices and agencies existing on the date of the entry into force of this Treaty shall, subject to Article IV-439, exercise their powers within the meaning of this Treaty in their composition on that date.
3. The acts of the institutions, bodies, offices and agencies adopted on the basis of the treaties and acts repealed by Article IV-437 shall remain in force. Their legal effects shall be preserved until those acts are repealed, annulled or amended in implementation of this Treaty. The same shall apply to agreements concluded between Member States on the basis of the treaties and acts repealed by Article IV-437.

The other components of the *acquis* of the Community and of the Union existing at the time of the entry into force of this Treaty, in particular the interinstitutional agreements, decisions and agreements arrived at by the Representatives of the Governments of the Member States, meeting within the Council, the agreements concluded by the Member States on the functioning of the Union or of the Community or linked to action by the Union or by the Community, the declarations, including those made in the context of intergovernmental conferences, as well as the resolutions or other positions adopted by the European Council or the Council and those relating to the Union or to the Community adopted by common accord by the Member States, shall also be preserved until they have been deleted or amended.

4. The case-law of the Court of Justice of the European Communities and of the Court of First Instance on the interpretation and application of the treaties and acts repealed by Article IV-437, as well as of the acts and conventions adopted for their application, shall remain, *mutatis mutandis*, the source of interpretation of Union law and in particular of the comparable provisions of the Constitution.
5. Continuity in administrative and legal procedures commenced prior to the date of entry into force of this Treaty shall be ensured in compliance with the Constitution. The institutions, bodies, offices and agencies responsible for those procedures shall take all appropriate measures to that effect.

*Article IV-439***Transitional provisions relating to certain institutions**

The transitional provisions relating to the composition of the European Parliament, to the definition of a qualified majority in the European Council and in the Council, including those cases where not all members of the European Council or Council vote, and to the composition of the Commission, including the Union Minister for Foreign Affairs, shall be laid down in the Protocol on the transitional provisions relating to the institutions and bodies of the Union.

*Article IV-440***Scope**

1. This Treaty shall apply to the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

2. This Treaty shall apply to Guadeloupe, French Guiana, Martinique, Réunion, the Azores, Madeira and the Canary Islands in accordance with Article III-424.

3. The special arrangements for association set out in Title IV of Part III shall apply to the overseas countries and territories listed in Annex II.

This Treaty shall not apply to overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in that list.

4. This Treaty shall apply to the European territories for whose external relations a Member State is responsible.

5. This Treaty shall apply to the Åland Islands with the derogations which originally appeared in the Treaty referred to in Article IV-437(2)(d) and which have been incorporated in Section 5 of Title V of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

6. Notwithstanding paragraphs 1 to 5:

(a) this Treaty shall not apply to the Faeroe Islands;

(b) this Treaty shall apply to Akrotiri and Dhekelia, the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus, only to the extent necessary to ensure the implementation of the arrangements originally provided for in the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus, annexed to the Act of Accession which is an integral part of the Treaty referred to in Article IV-437(2)(e), and which have been incorporated in Title III of Part II of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic;

(c) this Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands originally set out in the Treaty referred to in Article IV-437(2)(a), and which have been incorporated in Section 3 of Title II of

the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

7. The European Council may, on the initiative of the Member State concerned, adopt a European decision amending the status, with regard to the Union, of a Danish, French or Netherlands country or territory referred to in paragraphs 2 and 3. The European Council shall act unanimously after consulting the Commission.

*Article IV-441*

**Regional unions**

This Treaty shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the said Treaty.

*Article IV-442*

**Protocols and Annexes**

The Protocols and Annexes to this Treaty shall form an integral part thereof.

*Article IV-443*

**Ordinary revision procedure**

1. The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of this Treaty. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the President of the European Council shall convene a Convention composed of representatives of the national Parliaments, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to a conference of representatives of the governments of the Member States as provided for in paragraph 3.

The European Council may decide by a simple majority, after obtaining the consent of the European Parliament, not to convene a Convention should this not be justified by the extent of the proposed amendments. In the latter case, the European Council shall define the terms of reference for a conference of representatives of the governments of the Member States.

3. A conference of representatives of the governments of the Member States shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to this Treaty.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

4. If, two years after the signature of the treaty amending this Treaty, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council.

#### *Article IV-444*

### **Simplified revision procedure**

1. Where Part III provides for the Council to act by unanimity in a given area or case, the European Council may adopt a European decision authorising the Council to act by a qualified majority in that area or in that case.

This paragraph shall not apply to decisions with military implications or those in the area of defence.

2. Where Part III provides for European laws and framework laws to be adopted by the Council in accordance with a special legislative procedure, the European Council may adopt a European decision allowing for the adoption of such European laws or framework laws in accordance with the ordinary legislative procedure.

3. Any initiative taken by the European Council on the basis of paragraphs 1 or 2 shall be notified to the national Parliaments. If a national Parliament makes known its opposition within six months of the date of such notification, the European decision referred to in paragraphs 1 or 2 shall not be adopted. In the absence of opposition, the European Council may adopt the decision.

For the adoption of the European decisions referred to in paragraphs 1 and 2, the European Council shall act by unanimity after obtaining the consent of the European Parliament, which shall be given by a majority of its component members.

#### *Article IV-445*

### **Simplified revision procedure concerning internal Union policies and action**

1. The Government of any Member State, the European Parliament or the Commission may submit to the European Council proposals for revising all or part of the provisions of Title III of Part III on the internal policies and action of the Union.

2. The European Council may adopt a European decision amending all or part of the provisions of Title III of Part III. The European Council shall act by unanimity after consulting the European Parliament and the Commission, and the European Central Bank in the case of institutional changes in the monetary area.

Such a European decision shall not come into force until it has been approved by the Member States in accordance with their respective constitutional requirements.

3. The European decision referred to in paragraph 2 shall not increase the competences conferred on the Union in this Treaty.

*Article IV-446*

**Duration**

This Treaty is concluded for an unlimited period.

*Article IV-447*

**Ratification and entry into force**

1. This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.

2. This Treaty shall enter into force on 1 November 2006, provided that all the instruments of ratification have been deposited, or, failing that, on the first day of the second month following the deposit of the instrument of ratification by the last signatory State to take this step.

*Article IV-448*

**Authentic texts and translations**

1. This Treaty, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.

2. This Treaty may also be translated into any other languages as determined by Member States among those which, in accordance with their constitutional order, enjoy official status in all or part of their territory. A certified copy of such translations shall be provided by the Member States concerned to be deposited in the archives of the Council.

EN FE DE LO CUAL, los plenipotenciarios infrascritos suscriben el presente Tratado  
 Na DŮKAZ ČEHOŽ připojili níže podepsaní zplnomocnění zástupci k této smlouvě své podpisy  
 TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne traktat  
 ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diesen  
 Vertrag gesetzt

SELLE KINNITUSEKS on nimetatud täievolilised esindajad käesolevale lepingule alla kirjutanud  
 ΕΙΣ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι υπογεγραμμένοι πληρεξούσιοι υπέγραψαν την παρούσα Συνθήκη  
 IN WITNESS WHEREOF, the undersigned plenipotentiaries have signed this Treaty  
 EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leur signature au bas du présent traité  
 DÁ FHIANÚ SIN, chuir na Lánchumhachtaigh thíos-sínithe a lámh leis an gConradh seo  
 IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto la loro firma in calce al presente  
 trattato

TO APLIECINOT, attiecīgi pilnvarotas personas ir parakstījušas šo Līgumu  
 TAI PALIUDYDAMI šią Sutartį pasirašė toliau nurodyti įgaliotieji atstovai  
 FENTIEK HITELÉÜL az alulírott meghatalmazottak aláírták ezt a szerződést  
 B'XIEHDA TA' DAN, il-plenipotenżjarji sottoskritti ffirmaw dan it-Trattat  
 TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder dit verdrag  
 hebben gesteld

W DOWÓD CZEGO niżej podpisani pełnomocnicy złożyli swoje podpisy pod niniejszym Traktatem  
 EM FÉ DO QUE os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do  
 presente Tratado

NA DŌKAZ TOHO dolupodpísaní splnomocnení zástupcovia podpísali túto zmluvu  
 V POTRDITEV TEGA so spodaj podpisani pooblašćenci podpisali to pogodbo  
 TÄMÄN VAKUUDEKSI alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen  
 TILL BEVIS HÄRPÅ har undertecknade befullmäktigade undertecknat detta fördrag

Hecho en Roma, el veintinueve de octubre del dos mil cuatro.

V Římě dne dvacátého devátého října dva tisíce čtyři

Udfærdiget i Rom den niogtyvende oktober to tusind og fire.

Geschehen zu Rom am neunundzwanzigsten Oktober zweitausendundvier.

Kahe tuhande neljanda aasta oktoobrikuu kahekümne üheksandal päeval Roomas

Έγινε στις Ρώμη, στις εικοσι εννέα Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Rome on the twenty-ninth day of October in the year two thousand and four.

Fait à Rome, le vingt-neuf octobre deux mille quatre.

Arna dhéanamh sa Róimh, an naoú lá fichead de Dheireadh Fómhair sa bhliain dhá mhíle is a ceathair

Fatto a Roma, addì ventinove ottobre duemilaquattro.

Romā, divi tūkstoši ceturta gada divdesmit devītajā oktobrī

Priimta du tūkstančiai ketvirtų metų spalio dvidešimt devintą dieną Romoje

Kelt Rómában, a kétezer-negyedik év október havának huszonkilencedik napján

Magħmul f'Ruma fid-disa' u ghoxrin jum ta' Ottubru tas-sena elfejn u erbgha

Gedaan te Rome, de negenentwintigste oktober tweeduizendvier.

Sporządzono w Rzymie dnia dwudziestego dziewiątego października roku dwutysięcznego czwartego

Feito em Roma, em vinte e nove de Outubro de dois mil e quatro

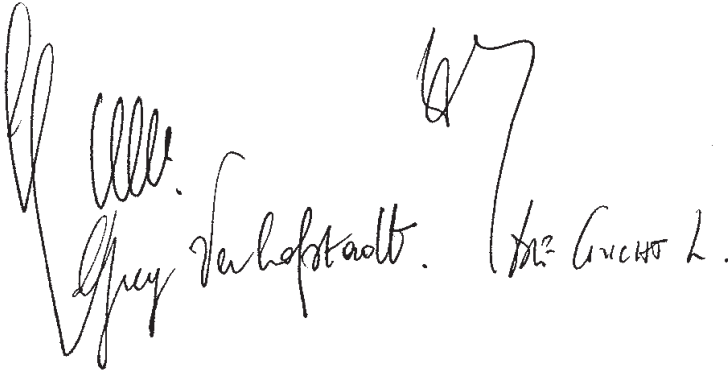
V Ríme dvadsiatehodeviateho októbra dvetisícštyri

V Rimu, devetindvajsetega oktobra leta dva tisoč štiri

Tehty Roomassa kahdentenakymmenentenäyhdeksäntenä päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Rom den tjugonionde oktober tjugohundrafyra.

Pour Sa Majesté le Roi des Belges  
Voor Zijne Majesteit de Koning der Belgen  
Für Seine Majestät den König der Belgier



Handwritten signatures in French, Dutch, and German. The French signature is 'Philippe', the Dutch is 'Filip', and the German is 'Philipp'. The text below the signatures reads: 'Philippe', 'Filip', 'Philipp', 'Verhoofstadt', 'Bruxelles'.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

Za prezidenta České republiky



Handwritten signatures in Czech. The text below the signatures reads: 'Václav Klaus', 'Jiří Bělobrádek'.

For Hendes Majestæt Danmarks Dronning

Anders Fogh Rasmussen  
 Poul Nyrup Rasmussen

Für den Präsidenten der Bundesrepublik Deutschland

Klaus Kinkel  
 Joachim Fischer

Eesti Vabariigi Presidendi nimel

Toomas Pärn  
 Indrek

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

Καραμανλής  
Παναγιώτης

Por Su Majestad el Rey de España

~~727~~ Felipe VI

Pour le Président de la République française

~~Chirac~~ Nicolas Sarkozy


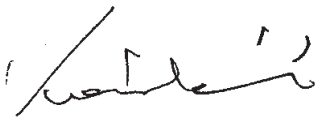
Thar ceann Uachtarán na hÉireann  
For the President of Ireland

Per il Presidente della Repubblica italiana

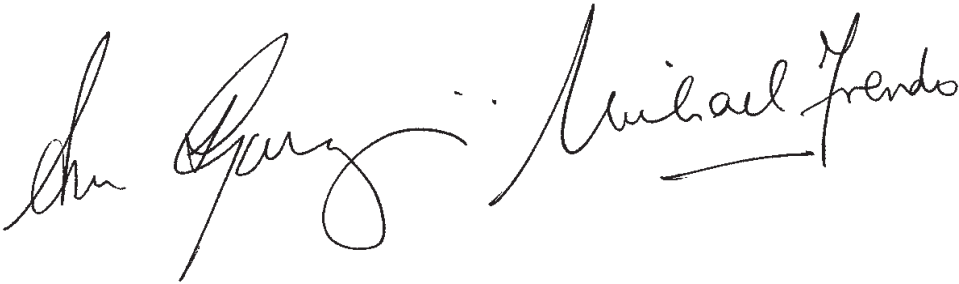
Για τον Πρόεδρο της Κυπριακής Δημοκρατίας



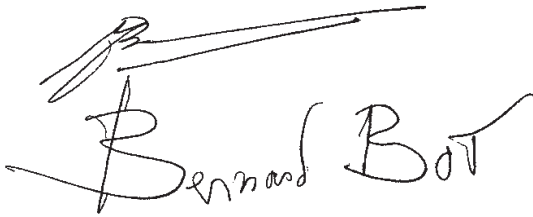
A Magyar Köztársaság Elnöke részéről

Ghall-President ta' Malta



Voor Hare Majesteit de Koningin der Nederlanden



Für den Bundespräsidenten der Republik Österreich

Adolf Schäfer  
Karlheinz Tresselt


Za Prezydenta Rzeczypospolitej Polskiej

Alkeld  
L. K.

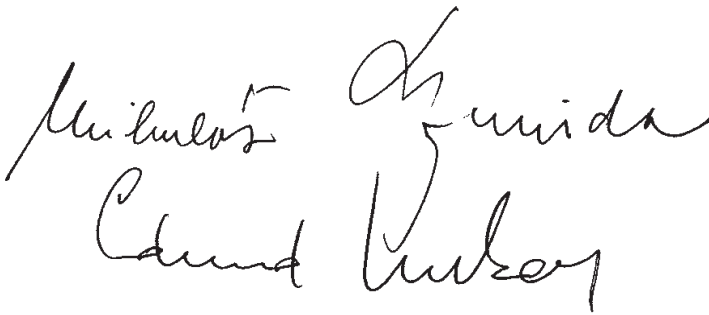
Pelo Presidente da República Portuguesa

António

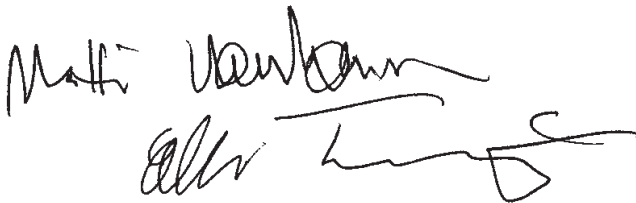
Za predsednika Republike Slovenije

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Za prezidenta Slovenskej republiky

A handwritten signature in black ink, written in a cursive style, appearing to read 'Michal Kováčik'.

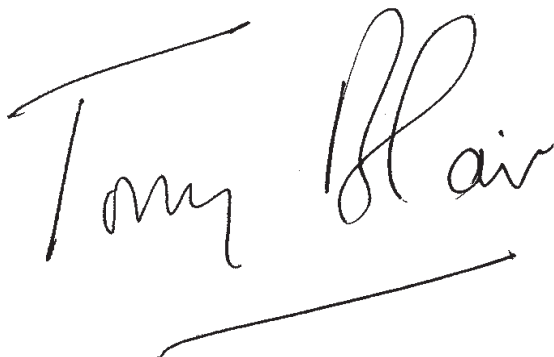
Suomen Tasavallan Presidentin puolesta  
För Republiken Finlands President

A handwritten signature in black ink, written in a cursive style, appearing to read 'Matti Vanhanen'.

För Konungariket Sveriges regering

A handwritten signature in black ink, appearing to be "Göran Persson". The signature is written in a cursive style with a large, sweeping initial "G" and a long, horizontal tail.

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

A handwritten signature in black ink, appearing to be "Tony Blair". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal tail.A handwritten signature in black ink, appearing to be "Jack Straw". The signature is written in a cursive style with a large, sweeping initial "J" and a long, horizontal tail.