

The reason for this draft Treaty; establishing a Community of European States

1) The observation

Currently, the bulk of power in the European Union belongs to three bureaucratic bodies, which have no democratic legitimacy:

- The Brussels Commission, which has the monopoly of the proposals ; it wants to govern in detail the lives of Europeans, harmonizing all national laws; at the same time, it is based on an integrist conception of competition, systematically opposed to public services, to control of finances, to industrial policy and to any measure of internal market protection.
- The European Central Bank, based in Frankfurt, which the Maastricht Treaty forbids to receive any instructions from political authorities; its sole purpose is to fight against inflation, without taking into account growth and employment; its policy leads to making the Euro the most expensive currency in the world, while discouraging investment in the countries concerned.
- The Court of Justice of the Union based in Luxembourg, which operates against the views of the nation States, ruling systematically in favor of strengthening the competences of the two previous bodies.

2) The real plan B

These three nuisance factors are eliminated. The European Union is replaced by a Community of European States, fulfilling the aspirations of the peoples.

- The real power belongs to the Council of Heads of State or Government.
- The function of European officials is deleted. In the new implementing agencies, they are replaced by public officials seconded from their respective States for a five-year non-renewable period.
- The Brussels Commission is dissolved. It is replaced by a General Secretariat and by the Agencies.
- The assumed irreversibility of EU legislation, the so-called "acquis communautaire" is scrutinized by a special committee which provides, for the European Council, the list of community provisions that member States undertake to conserve and identify those likely to be challenged or returned to the jurisdiction of the States.
- There shall be established a European monetary system to ensure economic growth, full employment and price stability, which all the member States must join. They have the choice between adopting a common currency, the Euro, or the preservation of a national currency tied to the Euro which can fluctuate within agreed limits.
- Within this framework, the Central Bank of the Euro is subject to real political control, that of the Council of Heads of State or Government.
- The Community of European States exercises its competences on two levels: the first is that of obligatory competences for all member States, the second encompasses areas of cooperation, following the logic of a Europe "à la carte", and to which the member States' participation is not obligatory.
- The Court of Justice of the Union is dissolved; forms of international arbitration are anticipated in cases of disputes.

DRAFT TREATY ESTABLISHING A COMMUNITY OF EUROPEAN STATES

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Preamble

Composed of people of different backgrounds and cultures, Europe since antiquity lived incessant conflicts, often fratricidal, and was the victim of invasions from all side. She never knew unity.

None the less, throughout its history, marked by the influence of religious and philosophical currents, by the progress of the arts, science and ideas, Europe has gradually developed the basic principles of universal humanistic values.

In the twentieth century totalitarian ideologies arose, and then the Second World War left the continent blooded, devastated and ruined.

Therefore, since at the end of this conflict, the dominant nations of Western Europe decided to make peace, the peoples of Europe could consider sharing a common ambition: to rebuild the continent, establishing an area of freedom, peace, prosperity and influence.

In the long march of the nations of Europe to reconciliation, since half a century, two schools of thought have clashed.

The school of a Europe of States, with its two variants: one advocating the establishment of a free trade area, supplemented by some cooperation between States, but without any real political ambition. The other, also the implementation of a common market, anticipates establishing, without transfer of sovereignty, the cooperation of States in the fields of politics, defense and culture.

The supranational school aims to create a European federal State, in which European nations are invited to transfer their sovereignty and which leads ultimately to their disappearance.

This second school has prevailed and inspired the drafters of the Treaty of Rome, who in 1957 founded the European Economic Community, the Single Act in 1986, treaties of Maastricht in 1992, Amsterdam in 1997, Nice in 2000 and Lisbon in 2008.

The application of these treaties has resulted in the gradual increase in the jurisdiction of the supranational institutions at the expense of sovereign States, each treaty adding to its predecessor another layer of new transfers.

This form of federal integration now runs into popular hostility as expressed by the French and Dutch refusal to ratify the European Constitutional Treaty in 2005 and that of the Irish to approve the Treaty of Lisbon in 2008.

The people perceive the existing institutions as opaque, undemocratic, more restrictive than protective and inappropriate for ad hoc cooperation between States.

To this unpopularity of the institutions is added that of dogmatic policies, wrongly included in the treaties, and conducted at the expense of industry, agriculture and fisheries, public services and social protection.

Finally, more generally, this unpopularity feeds on feelings of the peoples of being dispossessed of their identity and sovereignty in such fundamental areas as the monetary power, judicial authority or control of borders.

The will of European peoples having been expressed, the signatories of the Treaty establishing the Community of European States intend to replace the existing treaties, propose to renew the cooperation of the peoples of Europe on a radically different basis, respectful of the identity and the sovereignty of States, under their democratic control, free from any political or economic dogma.

The planned organization is of a confederal nature and includes the following provisions:

Each member State retains its sovereignty in foreign policy and defense, but the treaty commits its members to a permanent concertation in all areas of common interest.

Decisions relating to the competences delegated to the Community, of an economic, social and monetary nature are taken by the States within the European Council which has sole initiative and on a unanimous basis.

Their execution is entrusted to two agencies, one economic, the other monetary.

Compared to the current situation, progress is marked by the creation of a monetary system wider than the single currency at the service of economic growth, full employment and price stability.

Beyond its obligatory competences, the Community encourages its members to form communities of specialized themes in multiple areas, governed by the same principle of unanimity and to which countries outside the Community may participate.

Convinced that this type of confederation and flexible organization, subject to democratic control of the States, responds better than the current treaties to the interests of the Nations and peoples of Europe, the spread of their values and their influence in the world for peace and democracy, the signatories denounced the European treaties in force and agree as follows:

Part I. The Community of European States

Article 1 - Constitution

There is formed between the signatories of this treaty a Community of European States, an association of sovereign States to which they delegate some competences.

The Community of European States is based on respect of its peoples and the sovereignty of the States which compose it, equal in their rights and obligations.

Article 2 - Members of the Community of European States

Are members of the Community of European States, States that are situated wholly or mainly on the continent of Europe, signatory of the European Convention on Human Rights of 4th November 1950 and whose peoples have ratified their accession to this Treaty.

Europe is understood in this Treaty to be the geographical area between the Atlantic and the Urals.

States with a population of less than a million people can join the Community of European States by the conclusion of a bilateral agreement with another member State to which they are historically linked or with their geographical neighbors.

Article 3 - Objectives of the Community of European States

3.1 - By the free cooperation of the States that compose it and thanks to the rapprochement of their peoples, the Community of European States is to establish Europe as an area of freedom, peace, prosperity, solidarity and influence by acting in the fields of economy, monetary and foreign policy, defense and culture.

3.2 - The freedom of individuals is guaranteed by each member State of which they are citizens.

Member States' freedom is guaranteed by the requirement for unanimity in decision-making of the Community of European States.

The freedom of the Community of European States is guaranteed by its independence vis-à-vis any State or any third party. It is a principle which cannot be waived.

3.3 - Peace is guaranteed between member States by accession to this Treaty, each member State having a self imposed interdiction vis-à-vis aggression or any territorial claim on another member State, in accordance with the Charter of the United Nations.

Peace is guaranteed vis-à-vis other countries by the solidarity pact of member States to bring aid and assistance in case of external threat. Any aggression against one of them will be considered as an aggression against all member States.

3.4 - Prosperity results from participation in a common market based, internally, on freedom of movement and settlement of citizens of all the member States, free movement of goods, services, capital, on a high level of social protection (labor law, unemployment insurance, family support, health, pension), on the presence of public services throughout the territories, on the search for quality of the environment and on a common monetary system.

Prosperity depends, for external trade, on the coordination of trade policies, the conclusion of international trade agreements, on the practice of preference for the Community and, if

necessary, protectionism.

Prosperity is also a consequence of policies favorable to the renewal of generations; education, research, investment and industry.

3.5 - Solidarity is exercised between member States in the fields of economic policy, monetary policy, social welfare, major research projects and infrastructures, foreign policy, defense and justice.

3.6 - Influence on world affairs results from the coordination of member States' policies in favor of peace, promotion of gender equality, the protection of the environment, development aid, humanitarian action and the influence of European cultures and languages.

Part II. The functioning of the Community of European States

Article 4 - Principles for Action

4.1 - The Community of European States acts only in the areas and the limits of the competences conferred by this Treaty.

4.2 - The purpose and duration of the decisions of the Community of European States require unanimity.

However, in exceptional circumstances and by unanimous agreement, decisions can be taken by qualified majority. In such cases, the minority States may be exempted from the consequential obligations.

4.3 - The qualified majority vote requires two thirds of member States, comprising at least two thirds of the population of the Community of European States.

4.4 - The right of the Community of European States prevails over any other obligation entered into by member States, with the exception of the United Nations Charter. It also prevails on the agreements established by the Specialized Communities defined below. It cannot prevail over the constitutional law of member States.

In each member State, the Community has the legal status accorded to legal persons under their laws.

4.5 - The member States undertake to consult and seek to reconcile their views on issues of common interest in the fields of economy, foreign policy, defense and culture.

This consultation takes place within the European Council, the Committee of Ministers and the European Assembly.

Are also present at these bodies and are the subject of debate, projects common to certain States conducted within the framework of Specialized Communities.

4.6 - In foreign policy the member States may define a common position on an issue or as part of an international negotiation and appoint an ambassador in charge of defending it.

The ambassador so designated may be one of the Heads of State or Government of a member State.

4.7 - The neighboring States of eastern and southern Europe, who do not belong to the Community of European States, may conclude with the latter association agreements in specified areas and defined periods.

4.8 - All documents relating to the functioning of the Community of European States will be produced in at least four languages, including German, English and French.
The normative texts will be translated into all official languages of the member States.

4.9 - The Community of European States exercises its competences on two levels: the first is that of obligatory competences for all member States, the second encompasses areas of cooperation, which are not intrinsic to this Treaty, and to which the member States' participation is not obligatory.

Article 5 - The obligatory competencies

5.1 - The areas of jurisdiction are:

- a) The functioning of the customs union and common trade policy;
- b) The common agricultural policy;
- c) The conservation of marine biological resources under the common fisheries policy;
- d) The conclusion of international agreements of a commercial nature;
- e) Membership in a European monetary system.

5.2 - The communal rules, edicted within the obligatory competencies, cannot exceed what is strictly necessary for the pursuit of common policies.
The approximation of national legislation will combine the interests of free competition within the common market with respect for the particularities of each member State.

5.3 - There is established a European monetary system to ensure economic growth, full employment and price stability, which all the member States must join.
They have the choice between adopting a common currency, the Euro, or the preservation of a national currency tied to the Euro and which can fluctuate within agreed limits.

5.4 - Member States are encouraged to coordinate their economic and fiscal policies and to ensure maintenance of appropriate parity between national currencies and the Euro on the one hand, and between the Euro and other currencies on the other.

Article 6 - The optional competencies

6.1 - The second level of competence is exercised within the framework of Specialized Communities by the member States that wish, in addition to the obligatory fields, to implement together joint projects in determined areas and duration.

6.2 - These areas may include:

- a) economic, social and territorial cohesion;
- b) environment;
- c) consumer protection;

- d) transport;
- e) trans-European networks;
- f) energy;
- g) area of freedom, security and justice;
- h) asylum and immigration;
- i) humanitarian aid;
- j) common safety concerns in public health;
- k) scientific and technical research;
- l) space;
- m) industry;
- n) culture;
- o) education;
- p) foreign policy, defense and armament.

For each Specialized Community, all or some of the member States may participate.

6.3 - Under the policies of this second level, the member States who so wish may, in accordance with the rules of the European monetary system, opt for a common currency, the Euro, thus forming the Specialist Community of the Euro. This has a Council and a Central Bank of the Euro which manages the common currency within the European Monetary System and in accordance with the objectives of the Community of European States.

6.4 - Exceptionally, some countries outside the Community of European States can take part with equal rights of certain specialized Communities.

Article 7 - The role of National Parliaments

National parliaments shall contribute to the democratic functioning of the Community of European States. They receive direct notification of all draft European legislative acts, and all consultation documents such as green papers, white papers and communications. National parliaments have the opportunity to object to the draft European legislative acts which might fall outside the competence of the Community and to challenge them in accordance with the procedures laid down in Article 22.

Part III. The institutions of the Community of European States

Article 8 - The institutional framework

To ensure its operation, the Community of European States has an institutional framework that includes:

- The European Council,
- The European Economic Agency,
- The European Monetary Agency,
- The European Assembly,
- The specialized Communities,
- The Court of Audits of the Community.

Article 9 - The European Council

9.1 - The European Council is composed of Heads of State or Government of member States. It has the initiative, sets guidelines and priorities, adopts the budget and concert efforts.

9.2 - The European Council President is elected by his peers by a qualified majority, for a period of one year. His term is renewable once.

The European Council meets every four months, on a rotating basis, in the capitals of the States of the Community.

It may hold extraordinary meetings in an emergency.

9.3 - The European Council is assisted by a Committee of Ministers, composed of one representative from each member State and serving in different configurations depending on the topics covered: general business, economics, finance, foreign affairs, defense, education and research.

9.4 - The European Council has a permanent General Secretariat, under its authority. The General Secretariat shall prepare the deliberations of the European Council and keep a watching brief on the implementation of its decisions.

The General Secretariat is composed of officials seconded from their respective States for a five-year non-renewable period.

The General Secretariat of the European Council has its headquarters in Rome.

Article 10 - The European Economic Agency

The European Economic Agency is composed of officials seconded from their respective States for a five-year non-renewable period.

It implements the decisions of the European Council on the obligatory competences, except for decisions on monetary policy.

The European Economic Agency has three departments: the internal market, external relations and the agricultural market.

The European Economic Agency has its headquarters in Brussels.

Article 11 - The European Monetary Agency

The European Monetary Agency is composed of officials seconded from their respective States for a five-year non-renewable period. It manages the European Monetary System following the guidelines of the European Council, assisted by the Committee of Finance Ministers of the member States.

It is assisted by the Board of Governors of the Central Bank of the Euro and the national central banks of member States which have retained their currency.

The European Monetary Agency has its headquarters in Frankfurt.

Article 12 - The European Assembly

12.1 - The European Assembly shall consist of representatives of member States, in total a maximum of four hundred, elected for five years by direct universal suffrage. The number of representatives of each state reflects its population.

12.2 - The European Assembly shall deliberate on all matters within the competence of the Community of European States. Its members may address oral or written questions to the European Council.

Its functions are advisory. It does not have the initiative. It may none the less address recommendations to the European Council in areas of obligatory competences.

It is consulted on the preparation and execution of the budget.

12.3 - Each year, the European Council shall submit a communication on the work of the Community of European States.

12.4 - Notwithstanding the requirement of Article 4.2, the European Assembly shall decide by a simple or qualified majority.

12.5 - The Assembly has its seat in Strasbourg.

Article 13 - Specialized Communities

13.1 - Specialized Communities are responsible for the implementation of projects common to a group of member States in fields of optional competences.

13.2 - The bodies of these Communities are:

- A Council composed of representatives of the States concerned by the project,
- An executive Agency.

The bodies of the Specialized Communities are located in one of the States involved in the project.

13.3 - In the Specialized Communities, decisions are subject to the rules defined in Article 4.2.

Article 14 - The Court of Audits of the Community

14.1 - The Court of Audits of the European Community shall carry out the audits. It examines the accounts of all revenue and expenditure of the Community and ensures sound financial management.

14.2 - It is composed of one national from each member State designated on the proposal of the national government from among persons having qualification and experience in audit. Members are appointed for six years by the European Council, after consulting the European Assembly; they may be reappointed once. The members of the Court of Audits of the Community of European States elect a chairman from among themselves for three years.

14.3 - The status and competences of the Court of Audits of the Community of European States are specified by a protocol annexed to this Treaty.

Part IV. Acts and budget of the Community of European States

Article 15 - Different types of normative acts

To exercise its competences, the Community of European States adopts regulations, takes decisions, makes recommendations and delivers opinions.

The regulations are generally applicable. They are binding in their entirety and directly applicable to all member States.

The decision is binding in its entirety for the designated to which it is addressed.

Recommendations or opinions are not binding.

Article 16 - Budget

16.1 - The budget of the Community of European States is annual. The fiscal year begins on 1st January and ends on 31st December.

16.2 - The budget is prepared by the Committee of Ministers of Finance and adopted by the European Council, after consulting the European Assembly.

Its execution is ensured by the Committee of Ministers of Finance. It is the objects of an opinion from the European Assembly.

16.3 - Budgets relating to common projects implemented by Specialized Communities are established, implemented and controlled by the latter.

Article 17 - Resources

17.1 - The budget of the European Community shall, without prejudice to other revenue, be financed from its own resources.

17.2 - The European Council adopts a decision fixing the dispositions applicable to the system of Community resources, as well as the distribution mechanism between the member States.

17.3 - Categories of own resources can be created or deleted after approval by member States in accordance with their respective constitutional requirements.

Title V. General Provisions

Article 18 - Agreements concluded by the Community

For the exercise of the competences conferred by this Treaty, the Community of European States may enter into agreements with one or more third-party countries or international organizations.

These agreements bind the member States.

Article 19 - Openness to non-signatory States

The European Community of States is open to European States that have signed the European Convention on Human Rights.

The admission of a new State is subject to the unanimous agreement of the European Council and is subject to an additional act to this Treaty, which will stipulate the procedures for such admission.

Article 20 - Withdrawal of a member State

Any member State of the Community of European States can withdraw on its own initiative, subject to meet its financial commitments, a period of notice and the procedures for withdrawal set by the European Council.

Any member State of the Community of European States can be excluded in case of serious breach of any provision of the Treaty on the unanimous decision of the other member States and according to the procedures adopted by the European Council.

Article 21 - Specific application conditions

The specific conditions of application of this Treaty to overseas and island territories of the member States of the Community shall be defined in a protocol annexed to this Treaty.

Article 22 - Disputes

Any disputes arising between member States in the implementation of this Treaty shall be subject to international arbitration.

Disputes concerning the application of human rights, from individuals or corporations, are subject to the European Court of Human Rights in Strasbourg.

Part VI. Transitional provisions

Article 23 - Community law

A Special Committee shall prepare for the European Council the list of Community provisions, direct or derived, in economic, social and legal fields, which member States undertake to conserve and identify those likely to be challenged, or returned to the jurisdiction of the States, without impairing the functioning of the common market.

These lists are adopted by the European Council not later than one year after the date of ratification of this treaty.

Article 24 - Institutional framework

24.1 - The European Council, the Secretariat General and the Committee of Ministers are installed, with all their powers, on ratification of this treaty.

24.2 - Until the establishment of the European Economic Agency, and for a maximum of three years, the Commission of the former European Union administers, on instructions of the European Council, the current business of the common market.

24.3 - The European Monetary Agency, the Board of Governors and the Council of the Euro are installed on ratification of this Treaty. The Central Bank of the Euro is attached to the European Monetary Agency.

24.4 - The European Assembly is elected within a maximum period of three years from the date of ratification of this treaty. In the meantime, the Parliament of the former European Union headquarters in an advisory capacity.

24.5 - The other bodies of the former European Union, the Court of Justice and Court of First Instance, the Ombudsman, the Economic and Social Committee of the Regions, shall be dissolved automatically.

Article 25 - Duration and revision

This Treaty is concluded for an unlimited period.

Five years after its entry into force, it will be reviewed, to take stock of the results achieved by the Community of European States and, if necessary, to modify or improve its functioning. Derived policies will also be subject to periodic review.

Article 26 - Method of ratification and entry into force

In all countries where the internal constitution procedures allow, the ratification will be by referendum. The contracting parties shall endeavor to hold the referendum on the same day. In countries where ratification is done through parliament, it must collect the required majority for a constitutional amendment.

This Treaty shall enter into force after ratification by the peoples of the signatory States.