Contents

Preamble (Mangiameli) .................................................. 1

Title I  Common Provisions

Article 1.  [Establishment and Functioning of the Union] (Blanke) .... 45
Article 2.  [The Homogeneity Clause] (Mangiameli) .................... 109
Article 3.  [The Objectives of the European Union] (Sommermann) .... 157
[The Relations Between the EU and the Member States]
(Blanke) ........................................................................ 185
Article 4.  [Principles on the Distribution and Limits of Competences]
(Weber) .......................................................................... 255
Article 5.  [Fundamental Rights – The Charter and the ECHR]
(Grabenwarter and Pabel) .................................................. 287
Article 6.  [The Principles of the Federal Coercion]
(Mangiameli and Saputelli) ................................................. 349
Article 7.  [Relations with Neighbouring Countries]
(Thürer and Bretschger) .................................................... 375

Title II  Provisions on Democratic Principles

Article 9.  [The Principle of Equality and Citizenship of the Union]
(Borgmann-Prebíl and Ross) ................................................. 389
Article 10. [Representative Democracy] (Porras Ramirez) ............ 417
Article 11. [Participatory Democracy] (García Macho) ................. 449
Article 12. [The Role of National Parliaments] (Olivetti) ............... 467
Title III  Provisions on the Institutions

Article 13.  [The Institutions] (Chevallier-Govers) .......................... 529
Article 14.  [The European Parliament] (Mangiameli) ....................... 587
Article 15.  [The European Council] (Edjaharian) ............................ 615
Article 16.  [The Council] (Edjaharian) .......................................... 645
Article 17.  [The European Commission] (Gianfrancesco) .................. 681
Article 18.  [The High Representative] (Gianfrancesco) .................... 733
Article 19.  [The Court of Justice of the European Union] (Arnulf) ...... 759

Title IV  Provisions on Enhanced Cooperation

Article 20.  [Enhanced Cooperation] (Blanke) ................................. 787

Title V  General Provisions on the Union’s External Action and Specific Provisions on the Common Foreign and Security Policy

Article 21.  [The Principles and Objectives of the Union’s External Action] (Oeter) ................................................................. 833
Article 22.  [Identification of EU Interests and Objectives in the External Action Area: Competent Authorities and Instruments] (Oeter) ............ 875
Article 23.  [Fundamentals of CFSP] (Terpan) .................................. 901
Article 24.  [Union Competence in CFSP] (Terpan) ............................ 911
Article 25.  [The Instruments for the Conduct of the CFSP] (De Pasquale) ........................................................................ 927
Article 26.  [Identification of the Union’s Interests and Objectives in CFSP: Competent Authorities] (De Pasquale) .............................. 947
Article 27.  [Role and Powers of the High Representative for Foreign Affairs and Security Policy] (Denza) ................................. 967
Article 28.  [Council Decisions on Operational Action] (Sari) ............. 981
Article 29.  [Council Decisions on Union Positions] (Sari) .................. 1017
Article 30.  [Initiatives in CFSP; Extraordinary Council Meetings] (Böttner and Wessel) ......................................................... 1041
Article 31.  [Procedures for the Adoption of CFSP Decisions] (Böttner and Wessel) ................................................................. 1051
Article 32. [Cooperation Between Member States on CFSP]
(Paczolay) ........................................................................................................ 1077

Article 33. [Special Representatives] (Thym) ................................................. 1089

Article 34. [Coordination by Member States within International
Organisations and at International Conferences] (Paczolay) ...................... 1095

Article 35. [Coordination Among Member States’ Diplomatic and
Consular Missions] (Paczolay) ....................................................................... 1107

Article 36. [The Parliamentary Dimension of CFSP]
(Schmidt-Radefeldt) ...................................................................................... 1119

Article 37. [Agreements Concluded by the Union with Third States
or International Organisations] (Sari) ......................................................... 1131

Article 38. [Role and Powers of the Political and Security Committee]
(Thym) ............................................................................................................ 1147

Article 39. TEU [Protection of Individuals with Regard to the Processing
of Personal Data by the Member States] (Pizzetti) ........................................ 1159

Article 40. [The Relationship Between Powers and Competences
Under the TEU and Under the TFEU] (Fortunato) ........................................ 1175

Article 41. [Financing the CFSP] (Schmidt-Radefeldt) ................................ 1187

Article 42. [CSDP: Goals and Objectives; Mutual Defence]
(Fischer and Thym) ....................................................................................... 1201

Article 43. [Tasks and Instruments for Implementing the CSDP]
(Terpan) ........................................................................................................... 1237

Article 44. [Delegation of Tasks Under the CSDP] (Terpan) ......................... 1253

Article 45. [Tasks and Powers of the European Defence Agency]
(Terpan) ........................................................................................................... 1261

Article 46. [Permanent Structured Cooperation] (Graf Kielmansegg) .... 1275

Title VI Final Provisions

Article 47. [The Legal Personality of the Union]
(Thürer and Marro) ......................................................................................... 1315

Article 48. [Treaty Revision Procedures] (Denza) ........................................ 1331

Article 49. [Accession to the Union] (Fortunato) ......................................... 1357

Article 50. [Voluntary Withdrawal from the Union] (Wyrozumska) ............ 1385

Article 51. [Legal Status of Protocols and Annexes] (Denza) ..................... 1419
Article 52. TEU [Territorial Scope of the Treaties] (Jimena Quesada) .................................................. 1433

Article 53. [Duration of the Treaty] (Wyrozumska) .................................................. 1449

Article 54. [Ratification of the Treaty] (Thürer and Zobl) ............................................. 1453

Article 55. [Languages and Deposit of the Treaty] (Burr) ............................................. 1461

Protocols and Declarations

Protocol (No. 1). (Casalena, Fasone, and Lupo) .................................................. 1529

Protocol (No. 2). (Blanke, Colasante, Fasone, Iacoviello, Lupo, and Mangiameli) .................................................. 1635

Protocol (No. 30). (Guliyeva and Wyrzykowski) .................................................. 1737

17. Declaration Concerning Primacy. (Di Salvatore) ............................................. 1761

Bibliography .................................................. 1783

Index .................................................. 1787