

AMENDMENT FORM

Suggestion for amendment of Article : 7

By Ms / Mr : mr. Gijs de Vries and mr. Thom de Bruijn

Status : - Member - Alternate

Article I-7: Fundamental rights

1. The Union shall recognise the rights, freedoms and principles ~~set out in~~ of the Charter of Fundamental Rights ~~which constitutes the Second Part of~~ that is set out in a Protocol annexed to this Constitution.
2. The Union shall seek accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Accession to that Convention shall not affect the Union's competences as defined in this Constitution.
3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

Explanation (if any): Firstly, the Dutch Government would like to point out that many articles (especially the articles of title VI, part I of the Constitution) are a repetition of what is already laid down in the Charter of Fundamental Rights. If the Charter would become a part of the Constitution, such a repetition is obviously undesirable. Therefore, if the Charter would become a part of the Constitution, which the Dutch government does not support, these articles will have to be deleted and/or adjusted. See for further background information the relevant declaration of the Dutch Government Representative (CONV 659/03).

Furthermore, the articles 14, 15, 29 and 35 of part II of the Constitution should not be legally enforceable. A declaration attached to the Constitution should make this very clear.