

AMENDMENT FORM

Suggestion for amendment of Article 5.1, Title II

By : Mrs Sandra Kalniete (LV Gov., Member), Mr Roberts Zile (LV Gov., Alternate), Mrs Liene Liepina (LV Parl., Member), Mr Rihards Piks (LV Parl., Member), Mr Arturs Krisjanis Karins (LV Parl., Alternate), Mr Guntars Krasts (LV Parl., Alternate).

- Replace the title “Constitution” by the “Constitutional treaty” (in the whole text);
- Delete the following part of first sentence “*shall be an integral part of the Constitution*”;
- The Charter shall be annexed to the Constitutional Treaty as a Protocol.

1. The Charter of Fundamental Rights ~~shall be an integral part of the Constitution. The Charter is set out ~~in the second part of~~~~ in a Protocol annexed to this Constitutional Treaty.

Explanation (if any) :

The Union is a specific entity, which is based on the several establishing Treaties. Taking into account that the constitutional issues in the EU are approved on the basis of the agreement between the Member States in form of the treaties, the new Treaty should be defined as the Constitutional Treaty.

The Charter of Fundamental Rights itself consists of more than 50 articles and it is thus not practical to include the entire text of the Charter into the body of the Constitutional Treaty text. Given the orderly structure of the Constitutional Treaty and the laconic nature of its text, the Charter of Fundamental rights should be annexed to the Treaty as a Protocol.

Insertion of the Charter as a Protocol should allow the Member States when they decide on the entering into force of the Constitutional Treaty to decide separately about the entering into force of the Protocol. This would allow the Member States to negotiate a time schedule that will determine when the given rights will become binding.