

## AMENDMENT FORM

### Suggestion for amendment of Article : 5

By Mr Poul Schlüter:

Status : Alternate

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1. The Union respects the rights, freedoms and principles in the ~~The~~ Charter of Fundamental Rights ~~shall be an integral part of the Constitution. The Charter is as~~ set out ~~[in the second part of/~~in a Protocol annexed to~~] this Constitutional~~ Treaty.
2. The Union may accede 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 by this Constitutional Treaty.
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.

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### Explanation:

- 1) A reference to the Charter as an “integral part” of the Constitutional Treaty is not in line with the recommendations from WG II.
- 2) There was general agreement in the Convention that the Charter should be made legally binding through a direct reference in the first part of the Constitutional Treaty and annexed to the Treaty in a protocol.