

Amendments submitted by Teija Tiilikainen and Antti Peltomäki 17 February 2003

Article 5: Fundamental rights

1. The Charter of Fundamental Rights shall be an integral part of the Constitution. The Charter is set out **in a Protocol annexed** to this Constitution.
2. The Union **shall take the necessary steps to** 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 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.

Commentary:

It is clear that the Charter of Fundamental Rights belongs to provisions that are constitutional to their nature. It follows that the Charter should be annexed to the Constitution as a protocol with a status equivalent to that of Part I.

Since the Charter and the ECHR are complementary to each other, there should a clearer commitment by the Union to bring about the accession to the ECHR.