

AMENDMENT FORM

Suggestion for amendment of Article 5

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Article 5: Fundamental rights

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 Constitution.~~¹
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 Constitution.
3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights, 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) :

We can only consider integration of the Charter of Fundamental Rights into the Constitution, provided that this does not thereby become substantive EU law which could result in direct claims by citizens against their government.

¹ ~~[The full text of the Charter, with all the drafting adjustments given in Working Group II's final report (CONV 354/02) will be set out either in a second part of the Constitution or in a Protocol annexed thereto, as the Convention decides.]~~