

AMENDMENT FORM

Suggestion for amendment of Article : 5 (2)

By Mr : **R. VAN DER LINDEN** (member)
 F. TIMMERMANS (member)
 W. VAN EEKELEN (alternate member)
 J.J. VAN DIJK (alternate member)

The Union **wants 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.

Explanation (if any) :

The reasons why the EU should accede to the ECHR have been adequately and convincingly set out in the final report unanimously adopted by Working Group II and largely endorsed by the Plenary Convention, where a very strong tendency in favour of accession emerged.

It is therefore essential to ensure that accession is not only made *legally possible* in the future EU-Constitution, but also *effectively pursued* as an option agreed upon by the Convention, in order to maintain the parallelism which was expediently established by the Laeken Declaration between the Charter and the ECHR.

The most appropriate way to secure this is to lay down an obligation to this effect in the future Constitution, as proposed by the amendment above. Alternatively, and in any event, a clear statement to the effect that the EU should accede to the ECHR should be made by the Convention, either in the introduction or in the explanations to the Constitutional Treaty.