

## AMENDMENT FORM

Suggestion for amendment of Article 5: Fundamental rights

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

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### Article 5: Fundamental rights - paragraph 1

1. The Charter of Fundamental Rights shall be an integral part of the Consitution. The Charter is set out ~~[in the second part of /~~ in a Protocol annexed to] this Constitution. **The Charter shall not affect the Union's competences as defined elsewhere in this Constitution.**

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#### **Explanation (if any) :**

Without prejudice to the political decision to be reached as to *whether* the Charter is to be incorporated, if it is to be incorporated, for reasons of simplicity and clarity, it should be included in a Protocol to the Treaty.

Article 5.1, in keeping with the wording of Article 5.2, should reflect the fact that incorporation of the Charter shall respect the limits of the powers of the Union as conferred on it by other parts of the Treaty.

The question of the standing of the commentary drawn up by the Praesidium of the Charter Convention must also be addressed in a satisfactory way in the drafting of the relevant further part of the Constitution.