

AMENDMENT FORM

Suggestion for amendment of Article : 5

By Mr. Lennmarker

Status : ☒ Member

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.

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. Neither the Charter, nor an accession to the European Convention, shall affect the Union's competences as defined by this Constitution.

4. ~~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.

Explanation:

The competences of the Union are defined by the Constitution and neither the Charter of Fundamental Rights nor an accession to the European Convention should affect these competences. It should not be possible to use the Charter or the European Convention as means to expand the competences of the Union.