

CONV 659/03

CONTRIB 292

COVER NOTE

from :	Secretariat
to :	The Convention
Subject :	"Incorporation of the Charter n the Eu Constitutional Treaty"

The Secretary-General of the Convention has received the attached contribution from Mr Henning CHRISTOPHERSEN, Mr Gijs de VRIES, Mr Peter HAIN, Mr Sören LEKBERG, Mr Rihards PIKS, Mr Dick ROCHE, Ms Lena HJELM-WALLEN, members of the Convention, and Mr Thom de BRUIJN, Mr Niels HELVEG-PETERSEN, Mr Krisjanis KARINS, Mr Guntars KRASTS, Mr Bobby McDONAGH, Mr Sven-Olof PETERSSON, Mr Poul SCHLUTER and Baroness SCOTLAND of ASTHAL, alternate members of the Convention.

Incorporation of the Charter in the EU Constitutional Treaty

Signatories

Members of the Convention, Government Representatives

Mr Henning CHRISTOPHERSEN

Mr Gijs de VRIES

Mr Peter HAIN

Mr Dick ROCHE

Ms Lena HJELM-WALLEN

Alternate Members of the Convention, Government Representatives

Mr Thom de BRUIJN

Mr Bobby McDONAGH

Mr Sven-Olof PETERSSON

Mr Poul SCHLUTER

Baroness SCOTLAND of ASTHAL

Members of the Convention, Representatives of National Parliaments

Mr Sören LEKBERG

Mr Rihards PIKS

Alternate Members of the Convention, Representatives of National Parliaments

Mr Niels HELVEG-PETERSEN

Mr Krisjanis KARINS

Mr Guntars KRASTS

Incorporation of the Charter in the EU Constitutional treaty

The Charter of Fundamental Rights makes more visible the values from which the Union draws her inspiration and strength. Those values are firmly rooted in the constitutional traditions of the Member State democracies.

It is the compromise on the Charter reached by Working Group II that offers the possibility of a consensus on giving the Charter a formal place in the Union Constitution. But that possible consensus is not based upon matters of political presentation, such as whether the Charter should appear in Part I or Part II of the Constitution or be annexed to it in some way. Such matters are of secondary importance.

Of primary importance, for the citizen and his or her Government, is the concrete meaning of the Charter and any implications for the law of the Union and for the law and constitutions of the Member States. The amendments to the horizontals and other work proposed by Working Group II should help clarify what our citizens may expect, and from whom they may expect it. This work needs to be completed. We must ensure that an incorporated Charter is indeed faithful to the consensus view that it should not change the competences of the Union.

We therefore call for the draft Constitution to clarify precisely that the application of an incorporated Charter would be governed by Part VII of that Charter, as amended by Working Group II; and for the work required on the associated legal explanations to be concluded as soon as possible. A decision on how precisely the Charter should be recognised in the Constitution can logically be made after that work is completed.
