

CONV 659/03

CONTRIB 292

BEGELEIDENDE NOTA

van: het secretariaat

aan: de Conventie

Betreft: "Opneming van het Handvest in het constitutioneel verdrag"

De secretaris-generaal van de Conventie heeft van de heer Henning CHRISTOPHERSEN, de heer Gijs de VRIES, de heer Peter HAIN, de heer Sören LEKBERG, de heer Rihards PIKS, de heer Dick ROCHE en mevrouw Lena HJELM-WALLEN, leden van de Conventie, en de heer Thom de BRUIJN, de heer Niels HELVEG-PETERSEN, de heer Krisjanis KARINS, de heer Guntars KRASTS, de heer Bobby McDONAGH, de heer Sven-Olof PETERSSON, de heer Poul SCHLUTER en barones SCOTLAND of ASTHAL, plaatsvervangende leden van de Conventie, de bijdrage ontvangen die in bijlage dezes staat.

Incorporation of the Charter in the EU Constitutional Treaty

Signatories

Members of the Convention, Government Representatives

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Mr Peter HAIN

Mr Dick ROCHE

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Alternate Members of the Convention, Government Representatives

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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.