A. whereas, in case law which has remained consistent since *the judgments in Case 11-70 Internationale Handelsgesellschaft mbH [1970] ECR*¹ and *in Case 4-73 Nold [1974] ECR*², the Court of Justice of the European Union has held that fundamental rights form an integral part of the general legal principles *which the Court enforces*,

¹ *ECR* 1970, p.1125.
² *ECR* 1974, p.491.
12.5.2010

Amendment 7/rev
Morten Messerschmidt
on behalf of the EFD Group

Report
Ramón Jáuregui Atondo
Institutional aspects of accession by the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms
2009/2241(INI)

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the Court of Justice of the European Union devotes particular attention to the development of the case law of the European Court of Human Rights, as demonstrated by the growing number of judgments which refer to provisions of the ECHR,

Amendment

D. whereas the Court of Justice of the European Union devotes particular attention to the development of the case law of the European Court of Human Rights, as demonstrated by the growing number of judgments which refer to provisions of the ECHR, and need not itself develop this case law,

Or. da
E. whereas *in principle* the European Court of Human Rights makes a ‘presumption of compatibility’ of the conduct of a Member State of the Union with the ECHR when the State is merely implementing Union law,

E. whereas the European Court of Human Rights makes a *basic* ‘presumption of compatibility’ of the conduct of a Member State of the Union with the ECHR when the State is merely implementing Union law,
4. Observes that the ECHR system has been supplemented by a series of additional protocols concerning the protection of rights which are not covered by the ECHR and recommends that the Commission be mandated also to negotiate accession to all the protocols concerning rights corresponding to the Charter of Fundamental Rights (1, 4, 6, 7, 12 and 13), regardless of whether they have been ratified by the Member States of the Union;
Motion for a resolution
Paragraph 7 - indent 3

Motion for a resolution

– the right of the European Parliament to appoint/send a certain number of representatives to the Parliamentary Assembly of the Council of Europe when the latter elects judges to the European Court of Human Rights;

Amendment

– the right for the European Parliament to appoint/send a certain number of representatives, which should at least include participants from all groups of the European Parliament, to the Parliamentary Assembly of the Council of Europe when the latter elects judges to the European Court of Human Rights;
Amendment 11/rev
Morten Messerschmidt
on behalf of the EFD Group

Report
Ramón Jáuregui Atondo
Institutional aspects of accession by the European Union to the European Convention for the
Protection of Human Rights and Fundamental Freedoms
2009/2241(INI)

Motion for a resolution
Paragraph 12

Motion for a resolution  Amendment

12. Considers it appropriate that, in the interests of the proper administration of justice and without prejudice to Article 36(2) of the ECHR, in any case brought against a Member State before the European Court of Human Rights which may raise an issue concerning the law of the Union, the Union may be permitted to intervene as a co-defendant, and that in any case brought against the Union subject to the same conditions any Member State may be permitted to intervene as a co-defendant; this possibility must be defined in the provisions of the accession treaty in a manner which is both clear and sufficiently broad;

deleted

Or. da
Amendment 12/rev
Morten Messerschmidt
on behalf of the EFD Group

Report
Ramón Jáuregui Atondo
Institutional aspects of accession by the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms
2009/2241(INI)

Motion for a resolution
Paragraph 15

15. Considers that it would be unwise to formalise relations between the Court of Justice of the European Union and the European Court of Human Rights by establishing a preliminary ruling procedure before the latter or by creating a body or panel which would take decisions when one of the two courts intended to adopt an interpretation of the ECHR which differed from that adopted by the other; recalls in this context Declaration No 2 concerning Article 6(2) of the Treaty on European Union, which notes the existence of a regular dialogue between the Court of Justice of the European Union and the European Court of Human Rights, which should be reinforced when the Union accedes to the ECHR;

15. Refers to the fact that the European Court of Human Rights’ interpretation of the ECHR always takes precedence over any interpretation given by the Court of Justice of the European Union;

Or. da
Motion for a resolution
Paragraph 19

19. Notes that the ECHR has an important function in connection with the interpretation of the Charter of Fundamental Rights, as rights guaranteed by the Charter which correspond to rights recognised by the ECHR must be interpreted in accordance with the Convention and as, by virtue of Article 6(3) of the Treaty on European Union, the ECHR constitutes a source of inspiration for the Court of Justice of the European Union in the formulation of general principles of Union law; notes likewise that, pursuant to Article 53 of the ECHR, the Convention cannot be interpreted as limiting or adversely affecting the rights recognised by the Charter of Fundamental Rights, so that the latter retains its full legal force;

Amendment

19. Notes that rights guaranteed by the Charter which correspond to rights recognised by the ECHR must be interpreted in accordance with the Convention and as, by virtue of Article 6(3) of the Treaty on European Union, the ECHR constitutes a source of inspiration for the Court of Justice of the European Union in the formulation of general principles of Union law; notes likewise that, pursuant to Article 53 of the ECHR, the Convention cannot be interpreted as limiting or adversely affecting the rights recognised by the Charter of Fundamental Rights, so that the latter retains its full legal force;

Or. da
12.5.2010

Amendment 14/rev
Morten Messerschmidt
on behalf of the EFD Group

Report
Ramón Jáuregui Atondo
Institutional aspects of accession by the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms
2009/2241(INI)

Motion for a resolution
Paragraph 30

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<th>Motion for a resolution</th>
<th>Amendment</th>
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<td>30. Notes that accession by the Union to the ECHR signifies the recognition by the EU of the entire system of protection of human rights, as developed and codified in numerous documents and bodies of the Council of Europe; in this sense, accession by the Union to the ECHR constitutes an essential first step which should subsequently be complemented by accession by the Union to, inter alia, the European Social Charter, signed in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996, which would be consistent with the progress already enshrined in the Charter of Fundamental Rights and in the social legislation of the Union;</td>
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Or. da