



EUROPEAN PARLIAMENT

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Committee on Constitutional Affairs

2011/0818(NLE)

31.10.2011

DRAFT RECOMMENDATION

on the European Council's proposal not to convene a Convention for the addition of a Protocol on the application of the Charter of Fundamental Rights of the European Union to the Czech Republic, to the Treaty on European Union and the Treaty on the Functioning of the European Union (00091/2011 – C7-0386/2011 – 2011/0818(NLE))

Committee on Constitutional Affairs

Rapporteur: Andrew Duff

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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**on the European Council's proposal not to convene a Convention for the addition of a Protocol on the application of the Charter of Fundamental Rights of the European Union to the Czech Republic, to the Treaty on European Union and the Treaty on the Functioning of the European Union
(00091/2011 – C7-0386/2011 – 2011/0818(NLE))**

(Consent)

The European Parliament,

- having regard to the letter from the Czech Government to the Council of 5 September 2011 on a draft protocol on the application of the Charter of Fundamental Rights of the European Union (the 'Charter') to the Czech Republic,
- having regard to the letter from the President of the European Council to the President of the European Parliament of 25 October 2011, concerning a draft protocol on the application of the Charter to the Czech Republic,
- having regard to the request for consent not to convene a Convention submitted by the European Council in accordance with Article 48(3), second subparagraph, of the Treaty on European Union(C7-0386/2011),
- having regard to Article 6(1) of the Treaty on European Union and to the Charter,
- having regard to the conclusions of the meeting on 29 to 30 October 2009 of the heads of state or government of the Member States, meeting within the European Council,
- having regard to Rules 74a and 81(1) of its Rules of Procedure,
- having regard to the recommendation of the Committee on Constitutional Affairs (A7-0000/2011),

Whereas:

- A. the Charter of Fundamental Rights of the European Union was drafted by a Convention held from 17 December 1999 to 2 October 2000, bringing together representatives of Parliament, the Member States, national parliaments and the Commission. The Charter was proclaimed on 7 December 2000 and its text was adapted at Strasbourg on 12 December 2007,
- B. a second Convention was held from 22 February 2002 to 18 July 2003 to draft the Treaty establishing a Constitution for Europe, most of the substance of which was incorporated into the Lisbon Treaty which entered into force on 1 December 2009,
- C. both Conventions were convened to address major issues concerning the constitutional order of the Union, including the adoption of a binding text setting out the fundamental rights and principles recognised by the Union,

- D. in the light of the above, it is not necessary to call a Convention in order to examine the proposal that Protocol No 30 on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom be extended to the Czech Republic, as the effect of that proposal, if any, would be limited,
1. Approves the European Council's proposal not to convene a Convention;
 2. Instructs its President to forward this decision to the European Council, the Council, the Commission and the national parliaments.