



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 June 2013

11414/13

**INST 337
POLGEN 121**

"A" ITEM NOTE

from:	General Secretariat
to:	Council
Subject:	EUROPEAN COUNCIL DECISION on the examination by a conference of representatives of the governments of the Member States of the amendment to the Treaties proposed by the Czech Government in the form of a Protocol on the application of the Charter of Fundamental Rights of the European Union to the Czech Republic, to be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and not to convene a Convention

1. On 29 and 30 October 2009, the Heads of State or Government of the 27 Member States of the European Union, meeting within the European Council, agreed that they will, at the time of the conclusion of the next Accession Treaty and in accordance with their respective constitutional requirements, attach the Protocol on the application of the Charter of Fundamental Rights of the European Union to the Czech Republic, to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).
2. On 5 September 2011, the Czech government submitted to the Council, in accordance with the first sentence of Article 48(2) TEU, a proposal for the amendment of the Treaties in the form of a Protocol on the application of the Charter of Fundamental Rights of the European Union to the Czech Republic.

3. On 12 October 2011, in accordance with the third sentence of Article 48(2) TEU, the proposal of the Czech government was submitted by the Council to the European Council. It was also notified to the national parliaments.
4. At its meeting on 23 October 2011, the European Council decided, in accordance with the first subparagraph of Article 48(3) TEU, to consult the European Parliament and the Commission on the proposed amendments. The European Council also decided, in accordance with the second subparagraph of Article 48(3) TEU, to request the consent of the European Parliament not to convene a Convention given that, in its view, the convening of such Convention was not justified by the extent of the proposed amendments.
5. On 22 May 2013 the European Parliament adopted its opinion¹ calling on the European Council not to examine the proposed amendment. At the same time it gave its consent² not to convene a Convention on account of this not being justified by the extent of the proposed amendments.
6. The European Commission adopted a favourable opinion on 4 May 2012.
7. Croatia should be included in the list of High Contracting Parties of the proposed Protocol amending the Treaties after the date of accession, which is foreseen for 1 July 2013.
8. On 19 June 2013, the Permanent Representatives Committee discussed the item and invited the Council to recommend to the European Council to adopt the draft Decision at the first opportunity following the June European Council³.
9. The Council is therefore invited to recommend to the European Council to adopt the draft Decision set out in doc. EUCO 132/13, as revised by the legal linguistic experts after the June European Council.

¹ Opinion of 22 May 2013 (not yet published in the Official Journal).

² Consent of 22 May 2013 (not yet published in the Official Journal).

³ The decision will only be submitted to the European Council after its June meeting in order to allow Member States to finalise their applicable national procedures.