

## Draft protocol on the application of the Charter of Fundamental Rights to the Czech Republic (5 September 2011)

**Caption:** On 5 September 2011, in a letter from the Permanent Representative, the Czech Government, in accordance with Article 48(2) of the Treaty on European Union, submits a proposal to the Council of the European Union for the amendment of the Treaties concerning the addition of a Protocol on the application of the Charter of Fundamental Rights of the EU to the Czech Republic.

**Source:** European Union Council. Cover Note from the General Secretariat of the Council to COREPER/COUNCIL on the Amendment of the Treaties – Protocol on the application of the Charter of Fundamental Rights of the European Union to the Czech Republic, 13840/11. Brussels: 06.09.2011. 5 p.

<http://register.consilium.europa.eu/pdf/en/11/st13/st13840.en11.pdf>

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**URL:**

[http://www.cvce.eu/obj/draft\\_protocol\\_on\\_the\\_application\\_of\\_the\\_charter\\_of\\_fundamental\\_rights\\_to\\_the\\_czech\\_republic\\_5\\_september\\_2011-en-917b1af2-6eff-4935-a8b1-e5a078700faa.html](http://www.cvce.eu/obj/draft_protocol_on_the_application_of_the_charter_of_fundamental_rights_to_the_czech_republic_5_september_2011-en-917b1af2-6eff-4935-a8b1-e5a078700faa.html)

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**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 September 2011**

**13840/11**

**CO EUR-PREP 33  
POLGEN 133  
INST 400**

**COVER NOTE**

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from :	General Secretariat of the Council
to :	COREPER/COUNCIL
Subject :	Amendment of the Treaties - Protocol on the application of the Charter of Fundamental Rights of the European Union to the Czech Republic

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Delegations will find attached a copy of a letter from Ambassador Milena VICENOVÁ, Permanent Representative of the Czech Republic, to Ambassador Jan TOMBINSKI, President of the Committee of Permanent Representatives, relating to a proposal from the Czech Government, in accordance with Article 48(2) of the TEU, for the amendment of the Treaties concerning the addition of a Protocol on the application of the Charter of Fundamental Rights of the European Union to the Czech Republic.

Encl.

Ambassador Milena Vicoňová  
Permanent Representative of the Czech Republic to the EU

Brussels, 5th September 2011  
Ref. Nr.: 3142/2011-SZEU/PKÚ

Your Excellency, *dear Jan,*

I have been requested by the Government of the Czech Republic to submit to the Council, in accordance with Article 48(2) of the Treaty on European Union, a proposal for the amendment of the Treaties as regards the application of the Charter of Fundamental Rights of the European Union to the Czech Republic, as agreed by the European Council at its meeting on 29 and 30 October 2009. In this regard, I would respectfully ask you to circulate the said proposal among the Permanent Representatives of the Member States of the European Union.

The proposal is attached hereto.

Yours sincerely,

*Milena Vicoňová*

Enclosure

Cc : Uwe Corsepius  
Secretary-General  
Council of the European Union  
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Hubert Legal  
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**PROTOCOL ON THE APPLICATION OF THE  
CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION  
TO THE CZECH REPUBLIC**

THE KINGDOM OF BELGIUM,  
THE REPUBLIC OF BULGARIA,  
THE CZECH REPUBLIC,  
THE KINGDOM OF DENMARK,  
THE FEDERAL REPUBLIC OF GERMANY,  
THE REPUBLIC OF ESTONIA,  
IRELAND,  
THE HELLENIC REPUBLIC,  
THE KINGDOM OF SPAIN,  
THE FRENCH REPUBLIC,  
THE ITALIAN REPUBLIC,  
THE REPUBLIC OF CYPRUS,  
THE REPUBLIC OF LATVIA,  
THE REPUBLIC OF LITHUANIA,  
THE GRAND DUCHY OF LUXEMBOURG,  
THE REPUBLIC OF HUNGARY,  
MALTA,  
THE KINGDOM OF THE NETHERLANDS,  
THE REPUBLIC OF AUSTRIA,  
THE REPUBLIC OF POLAND,  
THE PORTUGUESE REPUBLIC,  
ROMANIA,  
THE REPUBLIC OF SLOVENIA,  
THE SLOVAK REPUBLIC,  
THE REPUBLIC OF FINLAND,  
THE KINGDOM OF SWEDEN,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as "THE HIGH CONTRACTING PARTIES",

TAKING note of the wish expressed by the Czech Republic,

RECALLING the Presidency Conclusions approved by the European Council at its meeting on 29 and 30 October 2009,

RECALLING that the Heads of State or Government meeting within the European Council on 29 and 30 October 2009 have agreed that they will, at the time of the conclusion of the next Accession Treaty and in accordance with their respective constitutional requirements, attach a Protocol concerning 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,

[NOTING the signature on ... by the High Contracting Parties of the Treaty between the High Contracting Parties and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union;]

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

### **Article 1**

Protocol (No 30) on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom shall apply to the Czech Republic.

## Article 2

The Title, Preamble and operative part of Protocol (No 30) shall be modified in order to refer to the Czech Republic in the same terms as they refer to Poland and to the United Kingdom.

## Article 3

This Protocol shall be ratified by the High Contracting Parties, in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.

This Protocol shall enter into force if possible on [...],<sup>1</sup> provided that all the instruments of ratification have been deposited, or, failing that, on the first day of the month following the deposit of the instrument of ratification by the last signatory State to take this step.

## Article 4

This Protocol, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which shall transmit a certified copy to each of the governments of the other signatory States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Protocol.

Done at ... on the .... in the year ...

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<sup>1</sup> The same date as the date of the entry into force of the Treaty concerning the accession of the Republic of Croatia to the European Union.