

Brussels, 29 October 2009

SN 272/1/09 REV 1

SOUS EMBARGO

DRAFT TEXT TO BE INCLUDED IN THE CONCLUSIONS OF THE EUROPEAN COUNCIL UNDER THE CHAPTER 'INSTITUTIONAL ISSUES'

"The Treaty of Lisbon"

1. The European Council recalls that the entry into force of the Treaty of Lisbon requires ratification by each of the 27 Member States in accordance with their respective constitutional requirements. ~~It reaffirms its determination to see the Treaty enter into force by the end of 2009, thus allowing it to develop its effects in the future.~~
2. On this basis, and taking into account the position taken by the Czech Republic, the Heads of State or Government have agreed that they shall, at the time of the conclusion of the next Accession Treaty and in accordance with their respective constitutional requirements, attach the following Protocol to the Treaty on European Union and the Treaty on the Functioning of the European Union.
3. In this context, and with regard to legal application of the Treaty of Lisbon and its relation to legal systems of Member States, the European Council confirms that :
 - a) The Treaty of Lisbon provides that *"competences not conferred upon the Union in the Treaties remain with the Member States"* (Art. 5(2) TEU);
 - b) The Charter is *"addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law"* (Art. 51(1) Charter).

**PROTOCOL ON THE APPLICATION OF THE
CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION
TO THE CZECH REPUBLIC**

The Heads of State or Government of the 27 Member States of the European Union, taking note of the wish expressed by the Czech Republic,

Having regard to the Conclusions of the European Council,

Have agreed on the following Protocol :

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 attached to the Treaty on European Union and to the Treaty on the Functioning of the European Union."
