

Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1999/2064(COS)	Procedure completed
Charter of fundamental rights of the European Union		
Subject 1.10 Fundamental rights in the EU, Charter		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		22/09/1999
		ELDR DUFF Andrew	22/09/1999
		V/ALE VOGGENHUBER Johannes	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs, Human Rights, Common Security, Defense		23/09/1999
		PSE LALUMIÈRE Catherine	
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs (Associated committee)		29/07/1999
		PSE PACIOTTI Elena Ornella	
	JURI Legal Affairs and Internal Market		30/11/1999
	PPE-DE CEDERSCHIÖLD Charlotte		
EMPL Employment and Social Affairs		14/10/1999	
	PSE VAN DEN BURG Ieke		
FEMM Women's Rights and Equal Opportunities		21/09/1999	
	PSE SWIEBEL Joke		
PETI Petitions		24/11/1999	
	PPE-DE FOURTOU Janelly		
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2251	27/03/2000
	General Affairs	2243	14/02/2000
	General Affairs	2206	11/10/1999
	General Affairs	2201	13/09/1999

Key events			

04/06/1999	Non-legislative basic document published	N5-0058/1999	Summary
23/07/1999	Committee referral announced in Parliament		
13/09/1999	Debate in Council	2201	
11/10/1999	Debate in Council	2206	
14/02/2000	Debate in Council	2243	
29/02/2000	Vote in committee		Summary
29/02/2000	Committee report tabled for plenary	A5-0064/2000	
14/03/2000	Debate in Parliament		
16/03/2000	Decision by Parliament	T5-0107/2000	Summary
16/03/2000	End of procedure in Parliament		
27/03/2000	Debate in Council	2251	
29/12/2000	Final act published in Official Journal		

Technical information

Procedure reference	1999/2064(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 57; Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/4/11039

Documentation gateway

Non-legislative basic document	N5-0058/1999	04/06/1999	CSL	Summary
Committee report tabled for plenary, single reading	A5-0064/2000 OJ C 377 29.12.2000, p. 0005	29/02/2000	EP	
Text adopted by Parliament, single reading	T5-0107/2000 OJ C 377 29.12.2000, p. 0170-0329	16/03/2000	EP	Summary

Charter of fundamental rights of the European Union

PURPOSE: presentation of a European Council document concerning the drawing up of a Charter of Fundamental Rights of the European Union. **CONTENT:** This document seeks to lay down the main lines which should be covered by a Charter of Fundamental Rights of the European Union. The Charter should contain the fundamental rights and freedoms, as well as basic procedural rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and derived from the constitutional traditions common to the Member States, as general principles of Community law. The Charter should also include the fundamental rights that pertain only to the Union's citizens. In drawing up such a Charter, account should furthermore be taken of economic and social rights as contained in the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers (Article 136 TEC) insofar as they do not merely establish objectives for action by the Union. In the view of the European Council, a draft of such a Charter of Fundamental Rights of the European Union should be elaborated by a body composed of representatives of the Heads of State and Government and of the President of the Commission, as well as of members of the European Parliament and national parliaments. Representatives of the European Court of Justice should participate as observers. Economic and Social Committee, the Committee of the Regions and social groups, as well as experts should be invited to give their views. Secretariat services should be provided by the General Secretariat of the Council. A draft document

should be ready before the European Council in December 2000. The European Council will propose to the European Parliament and the Commission that, together with the Council, they should solemnly proclaim on the basis of the draft document a European Charter of Fundamental Rights. It will then have to be considered whether and, if so, how the Charter should be integrated into the Treaties.?

Charter of fundamental rights of the European Union

The committee adopted the report on the Charter of Fundamental Rights by Andrew DUFF (ELDR, UK) and Johannes VOGGENHUBER (Greens/EFA, A). The report welcomed the European Council's decision to convene the Convention which was drafting the charter, whose aim was to help define a shared set of values and principles which was meaningful to the public and could contribute to the formulation of Union policies. However, the committee said Parliament should reserve the right to give its verdict on the text of the charter when the time came, and laid down a list of points on which this verdict should be based. Firstly, it felt that the charter needed to be made legally binding by being enshrined in the Treaty, and therefore called on the Council to place the charter on the agenda for the IGC. Any amendment to the charter should be subject to the same procedure as that used for drafting the charter, including a requirement for Parliament's assent. Any secondary legislation which might affect fundamental rights should be approved by Parliament. The indivisibility of fundamental rights should also be recognised and its field of application extended to all EU institutions, bodies and policies (including those under the second and third pillars) under the powers conferred on it by the Treaty. While emphasising that the charter should in no way replace or weaken Member States' laws on fundamental rights, the committee also believed Member States should be bound by it, as they implemented or enacted EU legislation. The charter should have a legally innovative character by giving legal protection to EU citizens against potential threats to fundamental rights (e.g. from information technology and biotechnology) and by embodying the new consensual positions on certain fundamental rights (e.g. equality for women and environmental protection). In line with the view of its rapporteurs, the committee decided to stick to broad principles rather than demand that specific rights be included. Reflecting Parliament's traditional position, the report called for the EU to sign up to the European Human Rights Convention, with a view to establishing close cooperation with the Council of Europe and preventing conflicts between the EU Court of Justice and the European Court of Human Rights. Lastly, the report expressly called on the IGC to ensure that any person protected by the charter had access to the EU Court of Justice. This would require changes to the appeals machinery.?

Charter of fundamental rights of the European Union

The European Parliament approved its resolution drafted by Mr. Andrew DUFF (ELDR, UK) and Mr. Johannes Voggenhuber (GUE/EFA, Ö) on an EU Charter of Fundamental Rights. The Parliament welcomes the drafting of the Charter, which will contribute to defining a collective patrimony of values and principles and a shared system of fundamental rights which bind citizens together and underpin the Union's internal policies and its policies involving third countries. It also welcomes the progress made in this connection since the Tampere European Council, in particular the establishment of the joint Convention composed of representatives of the Heads of State and Government, the European Parliament, the parliaments of the Member States and the Commission. It notes that the establishment of a binding European list of fundamental rights will confer a more secure legal and moral basis on the process of European integration, will give more concrete form to the common basis that exists at the level of the constitutional state and will provide more transparency and clarity for citizens. It points out that its final assent to a Charter depends to a large extent upon whether the Charter: - has fully binding legal status by being incorporated into the Treaty on European Union; - subjects any amendment to the Charter to the same procedure as its original drafting including the formal right of assent for the European Parliament; - contains a clause requiring the consent of the European Parliament whenever fundamental rights are to be restricted in any circumstances whatsoever; - contains a clause stipulating that none of its provisions may be interpreted in a restrictive manner with regard to the protection guaranteed by Article 6 (2) of the Treaty on European Union; - includes such fundamental rights as the right of association in trade unions and the right to strike; - recognises that fundamental rights are indivisible by making the Charter applicable to all the EU's institutions and bodies and all its policies, including those contained in the second and third pillars in the context of the powers and functions conferred upon it by the Treaties; - is binding upon the Member States when applying or transposing provisions of Community law; - is innovative in nature by also giving legal protection to the peoples of the European Union in respect of new threats to fundamental rights, for example from the fields of information technology and biotechnologies, and confirms, as an integral part of fundamental rights, and especially women's rights, the general non-discrimination clause and environmental protection. The EP will strongly support initiatives for a broad societal discussion in the Member States, involving social partners, NGOs and other representatives of civil society. It emphasises that the Charter should not replace or weaken Member States' provisions concerning fundamental rights and it supports the agreement reached by the Convention that the Charter should be drafted on the presumption that it will have full legal force. The Parliament calls upon the IGC to: a) put the incorporation into the Treaty of the Charter on its agenda and to give it at that conference the position which it deserves in view of its paramount importance for an ever-closer union among the peoples of Europe; b) enable the Union to become a party to the ECHR so as to establish close cooperation with the Council of Europe, whilst ensuring that appropriate action is taken to avoid possible conflicts or overlapping between the Court of Justice of the European Communities and the European Court of Human Rights; c) add a reference to the European Social Charter and to the appropriate ILO and UN conventions to the reference to the European Convention on Human Rights in Article 6 of the Treaty on European Union; d) give all persons protected under the Charter access to the Court of Justice of the European Communities by supplementing existing mechanisms for judicial review.?