


Procedure file

Basic information		
AVC - Assent procedure (historic)	2000/2233(AVC)	Procedure completed
Charter of Fundamental Rights of the European Union		
Recast by 2007/2218(ACI)		
Subject 1.10 Fundamental rights in the EU, Charter		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		12/10/2000
		ELDR DUFF Andrew	12/10/2000
		V/ALE VOGGENHUBER Johannes	
Council of the European Union	Commission DG	Commissioner	
European Commission	Justice and Consumers		

Key events			
09/10/2000	Legislative proposal published	04487/1/2000	Summary
07/11/2000	Vote in committee		Summary
06/11/2000	Committee report tabled for plenary, 1st reading/single reading	A5-0325/2000	
13/11/2000	Committee referral announced in Parliament		
14/11/2000	Debate in Parliament		
14/11/2000	Decision by Parliament	T5-0495/2000	Summary
07/12/2000	Act adopted by Council after consultation of Parliament		
07/12/2000	End of procedure in Parliament		
18/12/2000	Final act published in Official Journal		

Technical information	
Procedure reference	2000/2233(AVC)

Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
	Recast by 2007/2218(ACI)
Legal basis	EC Treaty (after Amsterdam) EC 000
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/13943

Documentation gateway

Document attached to the procedure		COM(2000)0559	13/09/2000	EC	Summary
Economic and Social Committee: opinion, report		CES1005/2000 OJ C 367 20.12.2000, p. 0026	20/09/2000	ESC	
Committee of the Regions: opinion		CDR0140/2000 OJ C 022 24.01.2001, p. 0001	20/09/2000	CofR	
Legislative proposal		04487/1/2000	10/10/2000	CSL	Summary
Document attached to the procedure		COM(2000)0644	11/10/2000	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0325/2000 OJ C 223 08.08.2001, p. 0006	07/11/2000	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0495/2000 OJ C 223 08.08.2001, p. 0020-0074	14/11/2000	EP	Summary
Committee of the Regions: opinion		CDR0381/2000 OJ C 144 16.05.2001, p. 0042	13/12/2000	CofR	

Final act

Third pillar act 2000/1218
[OJ C 364 18.12.2000, p. 0001](#) Summary

Charter of Fundamental Rights of the European Union

The preparation of the draft Charter of Fundamental Rights is now at a crucial stage. The Feira European Council concluded that the Convention is urged to continue its work in accordance with the timetable laid down in the mandate from the Cologne European Council so that a draft document is presented in advance of the European Council in 2000. The preliminary draft has been drawn up using the approach adopted by the Convention when it began its work, which involved preparing the draft for submission to the European Council as if it was subsequently to be incorporated into the Community Treaties with mandatory legal force. At the instigation of its President, Roman Herzog, the Convention concluded that this was the only approach that could leave the European Council the choice it will have to make in due course, in accordance with the Cologne mandate, about whether the Charter should take the form of a declaration or be incorporated in the Treaties with mandatory legal force. The work done by the Convention in the last few months involved giving each member of the Convention the possibility of submitting written amendments to previous texts. Over a thousand amendments were submitted, reflecting the full range of feelings within the Convention. The preliminary draft is a compromise drawn up by the Praesidium. It is intended to take account of all the points of view and feelings expressed by the Convention. The purpose of this communication is therefore: - to set out the Commission's position concerning the content of the preliminary draft, with the aim of furthering the development of consensus within the Convention, and - to highlight the political and institutional questions the Commission believes to be of particular importance, especially with regard to the nature of the Charter. ?

Charter of Fundamental Rights of the European Union

PURPOSE : to present the draft Charter of Fundamental Rights of the European Union. CONTENT : at the formal session of the Convention on 02.10.2000, the President of the Convention responsible for preparing the draft recorded that there was a broad consensus and he sent it to the President of the European Council. The draft includes ambitious innovations which are as follows: - the bringing together in a single instrument the rights of persons: civil, political, economic and social rights of the European Union citizens. This breaks with the traditional distinction between civil and political rights on the one hand and economic and social rights on the other hand, enumerating all rights around a few major principles: human dignity, fundamental freedoms, equality, solidarity, citizenship and justice; - in respect for the principle of universalism, the rights included in the draft are, for the most, given to all persons, irrespective of their race, colour or nationality or place of

residence, except in the case of rights which are most directly bound up with citizenship of the Union which are given only to citizens (e.g. participation in European Parliament or local elections) and for certain which are related to a particular status (rights of children, certain social rights for workers); - the draft outlines new rights which are linked to the development of information technology or genetic engineering (e.g. data protection and rights relating to bioethics); - finally, it responds to a legitimate contemporary demand for transparency and impartiality in the operation of Community administration (access rights to administrative documents from institutions or the right to a sound administration).?

Charter of Fundamental Rights of the European Union

This Communication presents the legal nature of the Charter of Fundamental Rights of the European Union. The challenge of preparing the draft Charter has been taken up at the formal session of the Convention on 02.10.2000. The President of the Convention responsible for preparing it recorded that there was broad consensus on the draft and sent it to the President of the European Council. The draft Charter offers great potential value added. By bringing together in a single instrument the rights hitherto scattered over a range of national and international instruments, it enshrines the very essence of the European acquis regarding fundamental rights. The Commission is convinced that the value added by the draft is real and that this value added is the basis for the future success of the Charter, irrespective of its ultimate legal nature. Moreover, the Commission considers that the draft Charter offers an acceptable response in relation to the following: - respect for autonomy of EU law; - the relationship between the Charter and the European Convention for the Protection of Human Rights and Fundamental Freedoms; - the relationship between the Charter and the Union's powers, and respect for the principle of subsidiarity; - a major advance in certainty as to the law. The Commission considers that the Charter, by reason of its content, its tight drafting and its high political and symbolic value, ought properly to be incorporated in the Treaties sooner or later. It is preferable, for the sake of visibility and certainty, as to the law, for the Charter to be made mandatory in its own right and not just through its judicial interpretation. Furthermore, the Commission is of the opinion that in relation to the Charter being able to have full effect in the future, any decision on the matter must be based on clear criteria that have already been put forward: - evaluation of the content of the Charter; - greater certainty as to the law; - visibility of rights for citizens; - a firm foundation for the European venture in the values protected by fundamental rights. Regarding timing, the European Charter might consider entering the question on the agenda for the current Intergovernmental Conference. It could take a decision to that effect at the Biarritz meeting. But this question cannot be considered without regard for the scope of the proceedings as already defined by the European Council for the present Intergovernmental Conference or for the prospect of reorganising the Treaties as proposed by the Commission at that conference in its communication of 12.07.2000, "A Basic Treaty for the European Union". In conclusion, the Commission believes that there is a very close link between reorganisation of the Treaties and incorporation of the Charter in them. Consequently, the Heads of State or Government should at the very least decide at Nice to launch some kind of process in this direction, clearly setting objectives and procedural and other details.?

Charter of Fundamental Rights of the European Union

The committee adopted the recommendation by Andrew DUFF (ELDR, UK) and Johannes VOGGENHUBER (Greens/EFA, A) calling on Parliament to approve the draft Charter of Fundamental Rights as drawn up by the Convention to which this task was entrusted, and to authorise the President of the European Parliament to proclaim the Charter jointly with the Presidents of the Council and Commission at the Nice European Council of 7-9 December 2000. The recommendation said that the Convention had fulfilled the mandate it received from the European Council, but pointed out that Parliament would address itself in its November 2000 part-session in Brussels to the question of the Charter's legal character.?

Charter of Fundamental Rights of the European Union

The Parliament voted 410 to 93 with 27 abstentions in favour of a resolution, drafted by Mr Andrew DUFF (ELDR, UK) and Mr Johannes VOGGENHUBER (Greens/EFA, A), approving the draft Charter of Fundamental Rights to be solemnly proclaimed at the Nice Summit by the Presidents of Parliament, the Commission and the European Council. Parliament takes the view that the Convention established to draw up the Charter has fulfilled its mandate. The question of its legal status will be taken up by the MEPs at the part-session of 29 and 30 of November 2000 and the text of the draft Charter is included as an annex to Parliament's recommendation. ?

Charter of Fundamental Rights of the European Union

PURPOSE : to establish the Charter of Fundamental Rights of the European Union. **COMMUNITY MEASURE** : Charter of Fundamental Rights of the European Union (2000Y1218). **CONTENT** : the peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity, it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom security and justice. The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels. It also seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital, and the freedom of establishment. To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter. This is the purpose of this Charter. The Union therefore recognises the rights, freedoms and principles set out below: 1) Dignity : human dignity, the right to life, right to the integrity of the person, prohibition of torture and inhuman or degrading treatment or punishment, prohibition of slavery and forced labour; 2) Freedoms : right of liberty and security, respect for private and family life, right to marry and right to found a family, freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and of association, freedom of the arts and sciences, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to property, right to asylum, protection in the event of removal, expulsion or extradition; 3) Equality : equality before the law, non-discrimination, cultural, religious and linguistic diversity, equality between men and women, the rights of the child, the rights of the elderly,

integration of persons with disabilities; 4) solidarity : workers' rights to information and consultation within the undertaking, right of collective bargaining and action, right of access to placement services, protection in the event of unjustified dismissal, fair and just working conditions, prohibition of child labour and protection of young people at work, family and professional life, social security and social assistance, health care, access to services of general interest, environmental protection, consumer protection; 5) Citizens' Rights : right to vote and to stand as a candidate at elections to the European Parliament, right to vote and to stand as a candidate at municipal elections, right to good administration, right of access to documents, Ombudsman, right to petition, freedom movement and of residence, diplomatic and consular protection; 6) Justice : right to an effective remedy and to a fair trial, presumption of innocence and right of defence, principles of legality and proportionality of criminal offences and penalties, right not to be tried or punished twice in criminal proceedings for the same criminal offence The provisions of this Charter are addressed to the institutions and bodies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. ?