

Charter of Fundamental Rights of the European Union

2007/2218(ACI) - 08/05/2013 - Follow-up document

This 2012 Annual Report on the Application of the EU Charter of Fundamental Rights, issued by the Commission, outlines the concrete steps undertaken for the effective implementation of the Charter in that year. Through these annual reports, the Commission meets the longstanding and legitimate expectations of placing fundamental rights at the heart of EU policies, which have been voiced in particular by the [European Parliament](#).

This report is the basis for the necessary dialogue between all the EU institutions and Member States on the implementation of the Charter. It therefore forms part of the process of political dialogue and scrutiny to ensure that the Charter remains a reference point, to integrate fundamental rights into all EU legal acts and when Member States apply EU law. It also presents how a fundamental rights culture is being developed in the EU by setting new legislation, where the EU has competence to act, and through the jurisprudence of the Court of Justice of the European Union.

The Charter is addressed, first and foremost, to the EU institutions. It is therefore the **primary responsibility of the EU institutions** to ensure respect for fundamental rights as a legal requirement based on the binding Charter. The Commission's strategy is aimed at giving practical effect to the legally binding Charter.

The concrete steps to implement the Charter have fostered a **fundamental rights reflex** when the Commission prepares new legislative and policy proposals. This approach is essential throughout the EU decision making process, including when the European Parliament and Council make amendments to proposals prepared by the Commission. **All EU acts are also subject to the scrutiny of the Court**. This is the ultimate guarantee for the respect of fundamental rights in the EU's legislative work and all other acts of the EU.

The main conclusions of the report are as follows:

- **Positive trends in take-up:** after just three years in force as primary law, the take up of the Charter by national courts when EU law is involved can be seen as a positive sign. The increasing reference to the Charter gives a first indication of an effective, decentralised application of the Charter within the national constitutional orders. This is an important step on the road to a more coherent system for the protection of fundamental rights which guarantees equal levels of rights and protection in all Member States whenever EU law is being implemented.
- **Leading by example:** the respect of fundamental rights, the rule of law and democracy is one of the key foundations on which the Union is built and needs to be continuously protected and strengthened. That is why the Commission is committed to **lead by example in ensuring that all EU acts comply with the Charter**. The Commission remains determined to take decisive steps to give concrete effect to the Charter when it has the competence to do so. Likewise, the Commission is committed to intervene where necessary when Member States implement EU law in order to ensure the effective implementation of the Charter, as in the action it brought before the Court of Justice of the EU contesting the early retirement of judges and public prosecutors in Hungary.
- **Close scrutiny of the Charter's application:** the Commission will keep the **development of fundamental rights protection** in the EU, including the evolving case-law on the application of the Charter both at Union and at national level, **under close review** and calls upon the European Parliament and the Council of Ministers to discuss this report in detail.

