Situation of fundamental rights in the European Union (2012)

2013/2078(INI) - 27/01/2014 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Louis Michel (ALDE, BE) on the situation of fundamental rights in the European Union.

It condemned the **worrying trends with regard to breaches of human rights** within the EU, particularly in the fields of immigration and asylum, and with regard to discrimination and intolerance – especially affecting certain population groups (minorities and migrants) – security and terrorism, freedom of the press, freedom of movement within the Union and social and trade union rights. It recommended that Parliament, the Commission and the Council **recognise the existence of positive obligations** to protect and promote human rights, and highlighted the role played in this area by regional and local authorities, NGOs and civil society, with whom the Commission and the Council should improve cooperation.

Institutional questions: Members considered that the general public were increasingly concerned about respect for fundamental rights and they made a series of recommendations on making full use of the potential of the treaties in this regard, including **establishing a 'new Copenhagen mechanism'** to ensure that the fundamental rights and values of the Union are respected, protected and promoted.

Copenhagen mechanism: this would be aimed at monitoring compliance with the Copenhagen criteria by every Member State in an effective and binding manner, could be activated immediately, on the basis of a Commission decision, with the full involvement of Parliament. It should, inter alia:

- **set indicators** such as those developed at UN and Council of Europe level, taking into account the advice of NGOs working in the area of human rights and fundamental freedoms (European Union Agency for Fundamental Rights (FRA) and Commission);

- carry out **objective, comparative and regular assessments**, for each of the fundamental rights and/or subject areas and for each institution and Member State individually;

- establish **a European policy cycle** on the application of Article 2 of the EU Treaty (democracy, rule of law, fundamental rights, equality) to provide an annual and multiannual framework, and an open annual interinstitutional forum on these European values, in particular the protection of fundamental rights;

- bring all existing data and analysis from national, European and international bodies together in order to ensure that **relevant information is more accessible and visible**;

- adopt a set of **recommendations** along with effective and proportionate **penalties which act as an effective deterrent** (e.g. the temporary suspension of Fund commitments, the application of certain acts, etc.) to deal with violations of Articles 2 and 7 of the EU Treaty;

- incorporate an early-warning system, political and technical dialogue, letters of formal notice and a 'freezing procedure', to ensure that Member States, at the request of EU institutions, **suspend the adoption of laws** that might disregard or breach fundamental rights or the EU legal order.

The Commission was asked to **adopt a decision establishing this 'new Copenhagen mechanism**', as it did for the monitoring of corruption in the EU and in the Member States, and to revise the FRA rules in order to give it enhanced powers and competences. Members want to see the establishment of a ' **Copenhagen commission'** composed of independent high-level experts on fundamental rights, to be appointed inter alia by Parliament, whose aim should be to ensure compliance by all Member States with the common values enshrined in Article 2 TEU and continuous compliance with the 'Copenhagen criteria' and to advise and report on fundamental rights matters, pending the amendment the FRA Regulation to allow the agency to have stronger powers and a wider remit.

Members noted recent statement from the Commission announcing a communication setting out **possible changes to the Treaties**, and called on Parliament's competent committees to examine specified proposals in detail, with a view to strengthening fundamental rights:

- **revision of Article 7 of the EU Treaty**, adding an 'application of Article 2 of the EU Treaty' stage, separating the 'risk' stage from the 'violation' stage, with different thresholds for the majorities provided for, a strengthening of technical and objective (not only political) analysis, enhanced dialogue with the Member States' institutions and a wider range of penalties which are applicable throughout the procedure;

- **extending the scope for redress** and the powers of the Commission and the Court of Justice;

- **enabling Parliament to launch proceedings on the violation of Article 2 TEU** on an equal footing with the Commission and the Council, and for the FRA to be able to contribute its necessary specialised support to the procedure;

- **reviewing the unanimity requirement** in areas relating to fundamental rights, such as equality and non-discrimination (e.g. Article 19 TFEU).

Lastly, Members built on the outlines of the European Charter of Fundamental Rights, and examined the themes of: Diginity, Liberty, Equality, Citizenship and Justice.