Charter of fundamental rights of the European Union

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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.