Impact of the Charter of Fundamental Rights of the European Union and its future status

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The committee adopted the own-initiative report by Andrew DUFF (ELDR, UK) on the impact and future status of the EU Charter of Fundamental Rights. The committee said that the procedure adopted for the Charter's creation had invested it with great authority and that the rights laid down in it should become enforceable under EU law. The Charter should therefore be given the status of primary law, thereby making it a central reference point for the Court of Justice and national courts and heralding a new phase in the development of EU citizenship. The report also pointed out that an increased status for the Charter was highly desirable in the context of enlargement as it would enshrine a fundamental rights regime at the heart of the European integration process. The Charter should be incorporated into the new constitutional treaty without any changes to its substance, and any later alterations should be prepared by a special new Convention, which should be gender balanced and should work to reinforce the principle of equality between the sexes. On the question of there being any 'competition' between the Charter of Fundamental Rights and the European Convention on Human Rights, the committee was firmly of the view that the EU, once it had a legal personality of its own, should sign up to the Convention, as this would complete the protective shield of fundamental rights. However, this would not alter the need to make the Charter legally binding.