Article 7 of the Treaty on European Union: respect for and promotion of the values on which the Union is based

2003/2249(INI) - 15/10/2003 - Non-legislative basic document

PURPOSE : to present a Communication from the Commission on Article 7 of the Treaty on European Union. Respect for and promotion of the values on which the Union is based. CONTENT : core to the functioning of the European Union are a set of values and principles set out in the EU Treaties. These values relate to the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. Membership of the European Union is conditional on the respect of these principles. Article 7 of the Treaty of Amsterdam strengthened the EU's commitment to them by equipping the EU institutions with the means to ensure that all Member States respect the fundamental values outlined above. The entry into force of the Treaty of Nice offered even further impetus to the respect of these values since it gave the Union the capacity to act preventatively in the event of a clear threat of a serious breach. In other words Nice gave the EU an operational role to monitor and identify potential risks. There has, however, been some confusion amongst members of the public and civil society groups involved in the protection of fundamental rights as to the exact scope and meaning of Article 7. The Commission has received numerous complaints from individuals seeking remedy for fundamental rights breaches that they have suffered. The purpose of this Communication is to open a debate on the meaning of common values within the EU Treaties and to clarify some points of uncertainty. The aim of the Communication is to examine the conditions for activating the procedures of Article 7 and to identify the operational measures attached to the functioning of this Article. All aspects of Article 7 are examined on a case-by-case basis and include an analysis and assessment of these issues. For example, the Communication assesses the inclusion of "risk" in Article 7 noting that this is unique to the EU and not included in similar or related legislation on human rights. Similarly the Report assesses at which point and in what manner the EU institutions can invoke Article 7 against another EU Member State. The emphasis is on the political nature of the Article and its horizontal application - in that it applies not only to breaches of EU law but also to serious breaches in national jurisprudence. On the question of when Article 7 can be invoked, the Report stresses that the Article seeks to remedy breaches of fundamental rights through a comprehensive political approach. In other words it is not designed to remedy individual breaches. The Commission is keen to clarify this point. A breach of the "common" values themselves must have taken place for a breach within the meaning of Article 7 to occur. Thus, the risk or breach identified must go beyond specific situations and concern a more systematic problem. In order to secure respect for and promotion of the common values the European Commission proposes a campaign of regular monitoring. Monitoring already takes place in a number of fields and includes, for example, the European Parliament's annual report on the fundamental rights situation in the European Union. This has been strengthened in recent years by the establishment of an expert network on human rights examining the human rights situation in each of the Member States. The Commission is proposing that these experts retain a permanent status through legal provisions. To conclude the Commission is convinced that it will not be necessary to apply penalties pursuant to Article 7 of the Union Treaty and Article 309 of the EU Treaty. Nevertheless, the preservation of common values must be at the centre of every political action taken at the EU level in order to promote peace and harmony. These goals can be achieved by insisting on measures focusing on prevention, strict monitoring of the situation in the Member States, co-operation between the institutions and education.