

Charter of fundamental rights of the European Union

1999/2064(COS) - 16/03/2000 - Text adopted by Parliament, single reading

The European Parliament approved its resolution drafted by Mr. Andrew DUFF (ELDR, UK) and Mr. Johannes Voggenhuber (GUE/EFA, Ö) on an EU Charter of Fundamental Rights. The Parliament welcomes the drafting of the Charter, which will contribute to defining a collective patrimony of values and principles and a shared system of fundamental rights which bind citizens together and underpin the Union's internal policies and its policies involving third countries. It also welcomes the progress made in this connection since the Tampere European Council, in particular the establishment of the joint Convention composed of representatives of the Heads of State and Government, the European Parliament, the parliaments of the Member States and the Commission. It notes that the establishment of a binding European list of fundamental rights will confer a more secure legal and moral basis on the process of European integration, will give more concrete form to the common basis that exists at the level of the constitutional state and will provide more transparency and clarity for citizens. It points out that its final assent to a Charter depends to a large extent upon whether the Charter: - has fully binding legal status by being incorporated into the Treaty on European Union; - subjects any amendment to the Charter to the same procedure as its original drafting including the formal right of assent for the European Parliament; - contains a clause requiring the consent of the European Parliament whenever fundamental rights are to be restricted in any circumstances whatsoever; - contains a clause stipulating that none of its provisions may be interpreted in a restrictive manner with regard to the protection guaranteed by Article 6 (2) of the Treaty on European Union; - includes such fundamental rights as the right of association in trade unions and the right to strike; - recognises that fundamental rights are indivisible by making the Charter applicable to all the EU's institutions and bodies and all its policies, including those contained in the second and third pillars in the context of the powers and functions conferred upon it by the Treaties; - is binding upon the Member States when applying or transposing provisions of Community law; - is innovative in nature by also giving legal protection to the peoples of the European Union in respect of new threats to fundamental rights, for example from the fields of information technology and biotechnologies, and confirms, as an integral part of fundamental rights, and especially women's rights, the general non-discrimination clause and environmental protection. The EP will strongly support initiatives for a broad societal discussion in the Member States, involving social partners, NGOs and other representatives of civil society. It emphasises that the Charter should not replace or weaken Member States' provisions concerning fundamental rights and it supports the agreement reached by the Convention that the Charter should be drafted on the presumption that it will have full legal force. The Parliament calls upon the IGC to: a) put the incorporation into the Treaty of the Charter on its agenda and to give it at that conference the position which it deserves in view of its paramount importance for an ever-closer union among the peoples of Europe; b) enable the Union to become a party to the ECHR so as to establish close cooperation with the Council of Europe, whilst ensuring that appropriate action is taken to avoid possible conflicts or overlapping between the Court of Justice of the European Communities and the European Court of Human Rights; c) add a reference to the European Social Charter and to the appropriate ILO and UN conventions to the reference to the European Convention on Human Rights in Article 6 of the Treaty on European Union; d) give all persons protected under the Charter access to the Court of Justice of the European Communities by supplementing existing mechanisms for judicial review.