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

2003/2249(INI) - 20/04/2004 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Johannes VOGGENHUBER (Greens/EFA, A). (Please see the document dated 16/03/04.) Parliament took the view that, when Article 7 is applied, due attention must be paid to political phenomena which must be regarded as clear risks of a breach or as serious and persistent breaches of the values on which the Union is based and which do not merely constitute a series of individual breaches of the law: failures by a Member State to act on violations of human rights, tolerance of such violations, or the promotion of a climate or social conditions in which individuals rightly feel threatened must be recognised as a clear risk of a breach of the Union's values and its citizens' fundamental freedoms. Parliament does not share the Commission's conviction that .in this Union of values it will not be necessary to apply penalties pursuant to Article 7 of the EU Treaty and Article 309 of the EC Treaty. Instead, ignoring the possible need for penalties must create the impression that the Union is not prepared or is not in a position to use all the means at its disposal to defend its values. Neither the Treaty of Nice nor the draft Constitution enhance the nature or extend the scope of the measures involving the suspension of rights which the Council of Ministers may decide to take. Parliament emphasised that the Treaty, by stipulating that Parliament must give its assent prior to any decision by the Council, and by granting Parliament the right to call for a procedure to be opened in the event of a clear risk of a serious breach, acknowledges Parliament's special role as an advocate for European citizens. When performing that special role, Parliament must exercise its powers in defending common principles, values and fundamental rights in a non-partisan, prudent, responsible and fair manner. Therefore, notwithstanding all necessary consultations and exchanges of information among the European institutions, its definitive opinion must be based on its independent decision. The lack of a right of initiative for Parliament in the procedure laid down to deal with serious breaches should in no way prevent Parliament from carrying out its normal role, so that, although at present it may not be able to submit a formal request on the basis of the law, there is nothing to stop it from using its supervisory powers to make a political call for action by the Council. Finally Parliament drew attention to the fact that, in order to determine the existence of a clear risk of a serious breach or of a serious and persistent breach of common principles, the Council needs Parliament's assent.