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

2002/2139(INI) - 23/10/2002 - Text adopted by Parliament, single reading

The European Parliament adopted the own-initiative report by Mr Andrew DUFF (ELDR, UK) by 344 votes in favour, 79 against with 28 abstentions calling for the EU Charter of Fundamental Rights to be included in the new constitutional treaty for the Union.The Parliament notes that the procedure adopted for the Charter's creation, in conjunction with the wide use made of it by the institutions already, courts and citizens, invests it with great authority. It also believes that the Charter's effectiveness would be significantly strengthened if the rights laid down in it were to become enforceable under EU law before the courts. The Convention is urged to enhance legal certainty and end political confusion as to the Charter's scope and level of protection by giving it the status of primary law, thereby making it a central reference point for the Court of Justice and national courts. To this end, stresses that the Charter should be incorporated into the constitutional law of the European Union. On the other hand, Parliament warns against the dangers of refusing to make the Charter mandatory upon all the EU institutions, bodies and agencies and on Member States when and in so far as they implement EU law and policy, thereby disappointing the expectations of European citizens. However, it maintains that an increased status for the Charter is highly desirable in the context of enlargement because it will serve to enshrine a fundamental rights regime at the heart of the European integration process thereby reassuring old, new and potential Member States alike. Parliament highlights that making the Charter binding will initiate a new phase in the development of EU citizenship and that, in order to protect the citizen from any abuse by the European Union of its enlarged powers, judicial remedies will need to be developed and therefore, that the Convention, in close consultation with the Courts, draws up measures to improve direct access to the Court of First Instance (with a right of appeal to the Court of Justice) to enhance the legal protection of individuals. In addition, it finds it unthinkable to have a modern constitution of the European Union without a binding Bill of Rights, and takes the view that if the Convention drafts a new treaty without the Charter it will fall short of having the constitutional effect which is both necessary and desirable. It insists that any subsequent development of the Charter must include a complete definition of environmental and social rights and of the rights of third country nationals. Parliament expects that such a new Convention would be gender-balanced and would work to reinforce the principle of equality between the sexes. The European Parliament acknowledges the already good collaboration between the Court of Justice and the European Court of Human Rights; reiterates its support for the opening of accession negotiations by the Union, to become a high contracting party to the ECHR and other international instruments in the field of human rights and recalls that European Union accession to the ECHR is a complement to and not a substitute for the granting of mandatory status to the Charter under EU law, both actions being necessary and timely.