Compliance with the Charter of Fundamental Rights in Commission legislative proposals: methodology for systematic and rigorous monitoring

2005/2169(INI) - 01/02/2007

The committee adopted the own-initiative report drawn up by Johannes VOGGENHUBER (Greens/EFA, AT) in response to the Commission communication on a methodology for systematic and rigorous monitoring of compliance with the Charter of Fundamental Rights in the Commission's legislative proposals. The report argued for an overall improvement in the monitoring process, calling for more transparency, consultation with relevant actors in civil society, thorough scrutiny throughout the legislative procedure as well as "political analysis on every occasion" in order to ascertain which solution produces "the best balance between determination of the objective and restriction of fundamental rights".

Among its recommendations, the committee called on the Commission to submit an explanatory report providing legal grounds for upholding fundamental rights when legislative proposals are being drawn up. The Commission was also urged to create a new category entitled 'Effects on fundamental rights' in its impact assessment, to ensure that all aspects of fundamental rights are considered. At the same time, MEPs called on the Council to strengthen the systematic monitoring of fundamental rights in areas covered by intergovernmental cooperation, to publish the results and, together with the Commission, to submit a yearly report on the fundamental rights policy of the Union to the European Parliament and national parliaments. The committee also wanted the Commission and the Council to report to Parliament on the follow-up given to these reports by the network of national expert groups. The national parliaments, for their part, were urged to verify the compatibility of their legislative acts with the Charter of Fundamental Rights especially in the fields of police and judicial cooperation as well as the common foreign and security policy.

In addition, the Commission was urged to devise a specific arrangement enabling civil society organisations to be consulted during the procedure for drafting legislative proposals having an impact on fundamental rights. The report also said that the procedure on compliance with the Charter of Fundamental Rights should be extended into the whole legislative procedure as well as into the comitology system, that the position of Parliament should be strengthened and that the role of the future Fundamental Rights Agency should be made "more precise".

Lastly, MEPs rejected the Commission's reservations on bringing annulment proceedings 'on the basis of case-by-case political scrutiny', and proposed to assign to the Committee on Civil Liberties the task of monitoring the consequences of legislative proposals relevant to fundamental rights and to make Parliament's resolutions applicable to Member State affairs.