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

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The European Parliament adopted a resolution based on the own-initiative report drafted by Johannes **VOGGENHUBER** (Greens/EFA, AT) in response to the Commission communication on monitoring of compliance with the Charter of Fundamental Rights in the Commission's legislative proposals. The report was adopted by 485 votes in favour to 87 against with 29 abstentions. Parliament stressed the need to overcome the crisis in the constitutional process, to preserve the central achievements of the constitutional treaty, and to establish the Charter of Fundamental Rights as legally binding. It welcomed the Commission's proposals on the consolidation and improved transparency of the procedure on compliance with fundamental rights in its legislative proposals, and called on the Commission to make the monitoring process more transparent and to consult with relevant actors in civil society, particularly those potentially affected by the Commission proposal. The Commission's proposed 'systematic' monitoring made it absolutely necessary for every legislative proposal to be thoroughly checked and for the result to be substantiated.

Genuinely systematic and rigorous protection of fundamental rights called not only for scrutiny to identify any legal errors in weighing up the respective importance of the freedom of the individual and the requirements of the public interest, but also for political analysis on every occasion to ascertain which of the various solutions that weigh up these interests correctly produced the best balance between determination of the objective and restriction of fundamental rights (optimisation in terms of fundamental rights).

Parliament rejected the Commission's reservations on bringing annulment proceedings 'on the basis of case-by-case political scrutiny' and strongly emphasised the absolute priority of the protection of fundamental rights and freedoms over all political considerations.

It pointed out that, even though general consultation procedures existed, independent external bodies which were specifically concerned with fundamental rights issues must be more extensively involved. The Commission must devise a specific arrangement for enabling such bodies to be consulted during the procedure for drafting legislative proposals which had an impact on fundamental rights. Parliament called on the Council to strengthen the systematic monitoring of fundamental rights also in areas covered by intergovernmental cooperation, to publish the results and likewise to secure the support of the Fundamental Rights Agency.

Member State parliaments, in particular in the fields of police and judicial cooperation and the common foreign and security policy, were requested to verify the compatibility of all decisions and measures with the Charter of Fundamental Rights, so that the indivisibility of fundamental rights is preserved and the systematic and thorough monitoring of fundamental rights in all the Union's policies could be ensured. The Council and the Commission should submit a yearly report on the fundamental rights policy of the Union to Parliament and the national parliaments, and engage in a systematic, open and permanent dialogue on the safeguarding of fundamental rights in the Union.

Lastly, Parliament called on the Commission and the Council to report to Parliament on the follow-up given to the reports by the network of national experts.