Basic information

2003/2249(INI) INI - Own-initiative procedure	Procedure completed
Article 7 of the Treaty on European Union: respect for and promotion of the values on which the Union is based **Subject** 8.30.10 Principles common to the Member States, EU values	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFCO Constitutional Affairs	VOGGENHUBER Johannes (V/ALE)	25/11/2003

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	HERNÁNDEZ MOLLAR Jorge Salvador (PPE-DE)	02/12/2003
JURI Legal Affairs and Internal Market	GIL-ROBLES GIL-DELGADO José María (PPE-DE)	27/01/2004
CULT Culture, Youth, Education, Media and Sport	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
15/10/2003	Non-legislative basic document published	COM(2003)0606	Summary
04/12/2003	Committee referral announced in Parliament		
16/03/2004	Vote in committee		Summary
16/03/2004	Committee report tabled for plenary	A5-0227/2004	
19/04/2004	Debate in Parliament		

20/04/2004	Decision by Parliament	T5-0309/2004	Summary
20/04/2004	End of procedure in Parliament		

Technical information	
Procedure reference	2003/2249(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/20456

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0227/2004	16/03/2004	
Text adopted by Parliament, single reading		T5-0309/2004 OJ C 104 30.04.2004, p. 0039-0408 E	20/04/2004	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2003)0606	15/10/2003	Summary

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

2003/2249(INI) - 15/10/2003 - Non-legislative basic document

PURPOSE : to present a Communication from the Commission on Article 7 of the Treaty on European Union. Respect for and promotion of the values on which the Union is based. CONTENT : core to the functioning of the European Union are a set of values and principles set out in the EU Treaties. These values relate to the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. Membership of the European Union is conditional on the respect of these principles. Article 7 of the Treaty of Amsterdam strengthened the EU's commitment to them by equipping the EU institutions with the means to ensure that all Member States respect the fundamental values outlined above. The entry into force of the Treaty of Nice offered even further impetus to the respect of these values since it gave the Union the capacity to act preventatively in the event of a clear threat of a serious breach. In other words Nice gave the EU an operational role to monitor and identify potential risks. There has, however, been some confusion amongst members of the public and civil society groups involved in the protection of fundamental rights as to the exact scope and meaning of Article 7. The Commission has received numerous complaints from individuals seeking remedy for fundamental rights breaches that they have suffered. The purpose of this Communication is to open a debate on the meaning of common values within the EU Treaties and to clarify some points of uncertainty. The aim of the Communication is to examine the conditions for activating the procedures of Article 7 and to identify the operational measures attached to the functioning of this Article. All aspects of Article 7 are examined on a case-by-case basis and include an analysis and assessment of these issues. For example, the Communication assesses the inclusion of "risk" in Article 7 noting that this is unique to the EU and not included in similar or related legislation on human rights. Similarly the Report assesses at which point and in what manner the EU institutions can invoke Article 7 against another EU Member State. The emphasis is on the political nature of the Article and its horizontal application - in that it applies not only to breaches of EU law but also to serious breaches in national jurisprudence. On the question of when Article 7 can be invoked, the Report

stresses that the Article seeks to remedy breaches of fundamental rights through a comprehensive political approach. In other words it is not designed to remedy individual breaches. The Commission is keen to clarify this point. A breach of the "common" values themselves must have taken place for a breach within the meaning of Article 7 to occur. Thus, the risk or breach identified must go beyond specific situations and concern a more systematic problem. In order to secure respect for and promotion of the common values the European Commission proposes a campaign of regular monitoring. Monitoring already takes place in a number of fields and includes, for example, the European Parliament's annual report on the fundamental rights situation in the European Union. This has been strengthened in recent years by the establishment of an expert network on human rights examining the human rights situation in each of the Member States. The Commission is proposing that these experts retain a permanent status through legal provisions. To conclude the Commission is convinced that it will not be necessary to apply penalties pursuant to Article 7 of the Union Treaty and Article 309 of the EU Treaty. Nevertheless, the preservation of common values must be at the centre of every political action taken at the EU level in order to promote peace and harmony. These goals can be achieved by insisting on measures focusing on prevention, strict monitoring of the situation in the Member States, co-operation between the institutions and education.

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.