Basic information

2007/2218(ACI) ACI - Interinstitutional agreement procedure	Procedure completed
Charter of Fundamental Rights of the European Union Recasting 2000/2233(AVC) **Subject** 1.10 Fundamental rights in the EU, Charter	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	AFCO Constitutional Affairs	LEINEN Jo (PSE)	02/10/2007
Council of the European Union	**Council configuration**	**Meetings**	**Date**
	General Affairs	2839	2007-12-10

Key events

Date	Event	Reference	Summary
11/10/2007	Committee referral announced in Parliament		
12/11/2007	Vote in committee		Summary
14/11/2007	Committee report tabled for plenary	A6-0445/2007	
28/11/2007	Debate in Parliament		
29/11/2007	Decision by Parliament	T6-0573/2007	Summary
12/12/2007	End of procedure in Parliament		
14/12/2007	Final act published in Official Journal		

Technical information

Procedure reference	2007/2218(ACI)
Procedure type	ACI - Interinstitutional agreement procedure
Procedure subtype	Interinstitutional agreement
Amendments and repeals	Recasting 2000/2233(AVC)
Legal basis	Rules of Procedure EP 154
Stage reached in procedure	Procedure completed

Committee dossier	AFCO/6/54275

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE396.543	18/10/2007	
Amendments tabled in committee		PE396.750	05/11/2007	
Committee report tabled for plenary, single reading		A6-0445/2007	14/11/2007	
Text adopted by Parliament, single reading		T6-0573/2007	29/11/2007	Summary

European Commission

Document type	Reference	Date	Summary
Commission document (COM)	COM(2012)0169	16/04/2012	Summary
Commission working document (SWD)	SWD(2012)0084	16/04/2012	Summary
Commission working document (SWD)	SWD(2012)0085	16/04/2012	Summary
Commission document (COM)	COM(2013)0271	08/05/2013	Summary
Commission working document (SWD)	SWD(2013)0171	08/05/2013	
Commission working document (SWD)	SWD(2013)0172	08/05/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0169	11/10/2012	
Contribution	PT_PARLIAMENT	COM(2013)0271	14/10/2013	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

12016P/TXT
OJ C 202 07.06.2016, p. 0389 Summary

Charter of Fundamental Rights of the European Union

2007/2218(ACI) - 16/04/2012 - Document attached to the procedure

Accompanying the 2011 report on the application of the Charter of Fundamental Rights of the European Union (see summary of the first legislative document dated 16 April, 2012), the Commission presents a report on progress on equality between women and men in 2011 accompanies the 2011 Report on the application of the EU Charter of Fundamental Rights.

The present Report on progress on equality between women and men is a part of the Strategy for equality between women and men (2010-2015).

For the first time, this year it is annexed to the Communication on the Application of the EU Charter of Fundamental Rights. It provides an overview of the performance and activities organised at EU level in 2011 in the five areas of the Strategy namely: equal economic independence; equal pay for equal work and work of equal value; equality in decision-making; dignity, integrity and ending gender-based

violence, and gender equality in external action policy.

The following dimensions are emphasised:

- the economic and business case for gender equality,
- the efforts made to promote gender equality in the follow-up to the Europe 2020 strategy,
- the consequences of the crisis and recovery measures for women and gender equality,
- the advantage of tackling the gender pay gap at EU level, both for economic growth and meeting poverty targets,
- the economic case for promoting a balanced representation of women and men in economical decision-making,
- the human and economic costs of violence,
- the EU's clear commitment to gender equality when dealing with third countries and international organisations.

In what follows, these aspects are illustrated by examples of actions carried out at EU level and by Member States individually. The report also provides the most recent EU comparable statistics enabling an overview of the situation for women and men, the changes occurring over time, and remaining gender gaps in the European Union.

Charter of Fundamental Rights of the European Union

2007/2218(ACI) - 16/04/2012 - Document attached to the procedure

This report concerns the 2011 Report on the Application of the EU Charter of Fundamental Rights.

The report notes that two years after the entry into force of the Lisbon Treaty, the Charter of Fundamental Rights of the European Union1 (the 'Charter') has become a point of reference commonly used in the development of EU policies. After its entry into force, the Commission adopted a Strategy on the effective implementation of the Charter ('Charter Strategy') setting an objective that the EU sets a good example as regards the respect of fundamental rights when the Union legislates. The Commission further committed to preparing annual reports to better informing citizens on the application of the Charter and to measuring progress in its implementation. Both the Charter Strategy and the first Annual report on the application of the Charter have triggered discussions in the European Parliament, in the Council as well as in the Committee of Regions and in the European Economic and Social Committee.

The Charter is of great interest not only to EU institutions but also to the general public: according to a recent Eurobarometer survey two-thirds of respondents across the EU are interested in learning more about their rights as enshrined by the Charter (66%), where to go if they feel that these rights have been violated (65%) and when the Charter applies and when it does not (60%).

This report aims to address this wish to be better informed about the Charter. It reviews progress in ensuring the effective implementation of the Charter and highlights important developments in 2011. The

document is accompanied by two working documents on the application of the Charter by all EU institutions and Member States and the other on the progress in the implementation of the Strategy for equality between women and men (2010-2015).

Application of the Charter: the Charter Strategy and the 2010 Report generated debates in all EU institutions on how to make the Charter effective for citizens and on how to ensure its respect throughout the legislative process. This momentum initiated by the Commission has already delivered first concrete results.

The report notes the following:

- **The Commission assessment of the impact on fundamental rights when it prepares legislative proposals**: the Commission not only guarantees that its proposals are compatible with the Charter, it also ensures that the Charter is respected when Member States implement EU law.
- **Commission's intervention as regards the Hungarian media law**: following the Commission's intervention on the Hungarian media law, using the full extent of its legal powers to enforce the acquis, the Hungarian government agreed to amend its national media law so that it complies

with substantive EU law. The Commission, as guardian of the Treaties, decided to take action against a number of new provisions in Hungarian legislation, namely on the independence of the data protection authority and on the discriminatory impact of the mandatory retirement age for judges, prosecutors and notaries. On 16 February 2012, the European Parliament adopted a resolution calling on the Hungarian government to comply with the recommendations, objections and demands of the European Commission, the Council of Europe and the Venice Commission and calling on the European Commission, the guardian of the Treaties, to monitor closely the possible amendments and the implementation of the said laws and their compliance with the letter and spirit of the European treaties.

- **European Parliament's intervention**: when acting as co-legislator, it stressed the fundamental rights dimension of new proposals for EU law. For example, the European Parliament approved the Commission's proposal to amend the Qualification Directive which will enhance the rights granted to refugees and beneficiaries of subsidiary protection in the EU.
- **Council's intervention**: the Council established Guidelines to identify and deal with fundamental rights issues arising in the discussion on proposals before the Council's preparatory bodies.
- **EU Court of Justice's intervention**: the Court of Justice of the European Union has increasingly referred to the Charter in its decisions: the number of decisions quoting the Charter in its reasoning rose by more than 50% as compared to 2010, from 27 to 42. National courts when addressing questions to the Court of Justice (preliminary rulings) have also increasingly referred to the Charter: in 2011, such references rose by 50% as compared to 2010, from 18 to 27. At the end of 2011, the Court issued a landmark ruling on the implementation of the Dublin Regulation on determining the Member State responsible for the assessment of asylum application in the EU23. The Court stressed that Member States are under the obligation to respect the Charter when they establish the responsibility for examining an asylum application. Member States must not transfer an asylum seeker to another Member State if it is such that they cannot be unaware of systemic deficiencies in the asylum procedure and reception conditions amounting to substantial grounds for believing that person would face a real risk of being subjected to inhuman or degrading treatment.

Most important development in 2011: the Commission has pursued a vigorous policy of ensuring the effective implementation of the Charter in a wide variety of areas covered by EU law. The annex to this Report presents many examples of the application of the Charter involving the rights covered by the six titles of the Charter (Dignity, Freedoms, Equality, Solidarity, Citizens' rights and Justice), including important steps to prepare the proposal for new EU rules on data protection to be presented in 2012.

Other important developments have also been identified:

- promoting human rights in third countries;
- the enlargement process;
- expulsion of aliens;
- a new momentum in the enforcement of citizens' right to free movement;
- promoting the rights of the child;
- reinforcing victims' rights and procedural rights;
- fighting against xenophobic and racist hate speech;
- contributing to EU competitiveness (freedom to conduct a business, intellectual property shall be protected).

The Commission took concrete steps to comply with the requirement enshrined in the Lisbon Treaty that the EU accedes to the European Convention on Human Rights. The Commission conducted technical negotiations on accession with experts from Member States of the Council of Europe as the current parties to the Convention. A draft accession agreement, elaborated in June 2011, is currently under scrutiny within the Council.

To conclude, the EU took further concrete steps for the effective implementation of the Charter. These efforts served to help citizens enjoy their fundamental rights when EU law comes into play. In particular, in times of economic crisis, a legally stable environment based on the rule of law and the respect of fundamental rights is the best guarantee for citizens' trust and the confidence of partners and investors.

Charter of Fundamental Rights of the European Union

2007/2218(ACI) - 16/04/2012 - Document attached to the procedure

Accompanying the 2011 report on the application of the Charter of Fundamental Rights of the European Union (see summary of the first legislative document dated 16 April, 2012), the Commission presents a report giving details of the application of the Charter by the EU institutions and Member States.

This Report covers the year 2011 and informs the public on the situations in which they can rely on the Charter and on the role of the European Union in the field of fundamental rights. In covering the full range of Charter provisions on an annual basis, the annual reports aim to track where **progress is being made, and where new concerns are arising**.

The Annual Report is based on the actions taken by the EU institutions as well as on the analysis of letters from the general public and questions and petitions from the European Parliament. The Member States are bound by the Charter when they implement EU law. However, there is not yet enough information on the efforts made to ensure the effective implementation of the Charter.

The Commission will seek in its forthcoming Annual Reports on the Application of the Charter to document progress in that respect.

Charter of Fundamental Rights of the European Union

2007/2218(ACI) - 07/12/2000 - Final act

PURPOSE: to present the Charter of Fundamental Rights of the European Union.

CONTENT: the European Parliament, the Council and the Commission proclaim this text as the Charter of Fundamental Rights of the European Union, which is divided into six specific sections and a preamble.

Preamble: the Charter notes that the peoples of Europe, in creating an ever closer union among them, are resolved to **share a peaceful future based on common values**. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of **human dignity**, **freedom**, **equality** and **solidarity**; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice. This Charter reaffirms, with due regard for the powers and tasks of the Union and for the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States.

1. **Dignity**, which is comprised of the following: the right to life; the right to integrity of the person; prohibition of torture and inhuman or degrading treatment or punishment; prohibition of slavery and forced labour;
2. **Freedoms,** which is comprised of the following: right to liberty and security; respect for private and family life; protection of personal data; right to marry and right to found a family; freedom of thought, conscience and religion; freedom of expression and information; freedom of assembly and of association; freedom of the arts and sciences; right to education; freedom to choose an occupation and right to engage in work; freedom to conduct a business; right to property; right to asylum; protection in the event of removal, expulsion or extradition;
3. **Equality**, which is comprised of the following: right to equality before the law; non-discrimination; cultural, religious and linguistic diversity; equality between women and men; rights of the child; the rights of the elderly; the integration of persons with disabilities;
4. **Solidarity,** which is comprised of the following articles: workers' right to information and consultation within the undertaking; right of collective bargaining and action; right of access to placement services; protection in the event of unjustified dismissal; fair and just working conditions; prohibition of child labour and protection of young people at work; family and professional life; social security and assistance; health care; access to services of general economic interest; environmental protection and consumer protection;
5. **Citizens' rights,** which is comprised of the following articles: right to vote and to stand as a candidate at elections to the European Parliament; right to vote and to stand as a candidate at municipal elections; right to good administration; right of access to documents; European Ombudsman; right to petition; freedom of movement and of residence; diplomatic and consular protection;
6. **Justice,** which is comprised of the following articles: right to an effective remedy and to a fair trial; presumption of innocence and right of defence; principles of legality and proportionality of criminal offences and penalties; right not to be tried or punished twice in criminal proceedings for the same criminal offence.

The final section concerns general provisions governing the interpretation and application of the Charter.

The Charter of Fundamental Rights of the European Union was proclaimed at Strasbourg on 12 December 2007 by the European Parliament, the Council and the Commission (OJ C 303, 14.12.2007, p. 1). This text repeats and adapts the Charter proclaimed on 7 December 2000, and replaces it with effect from 1 December 2009, the date of entry into force of the Treaty of Lisbon. By virtue of the first subparagraph of Article 6(1) of the Treaty on European Union, the Charter proclaimed in 2007 has the same legal value as the Treaties.

Charter of Fundamental Rights of the European Union

2007/2218(ACI) - 12/12/2007 - Final act

PURPOSE: to present the Charter of Fundamental Rights of the European Union.

CONTENT: the European Parliament, the Council and the Commission proclaim this text as the Charter of Fundamental Rights of the European Union, which is divided into six specific sections and a preamble.

Preamble: the Charter notes that the peoples of Europe, in creating an ever closer union among them, are resolved to **share a peaceful future based on common values**. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of **human dignity**, **freedom**, **equality** and **solidarity**; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice. This Charter reaffirms, with due regard for the powers and tasks of the Union and for the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States.

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The final section concerns general provisions governing the interpretation and application of the Charter. Note that this text adapts the wording of the Charter proclaimed on 7 December 2000, and will replace it as from the date of entry into force of the Treaty of Lisbon. The Charter was proclaimed by the European Parliament in a ceremony in Strasbourg in December 2007.

Charter of Fundamental Rights of the European Union

2007/2218(ACI) - 29/11/2007 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Jo **LEINEN** (PES, DE), and approved the Charter of Fundamental Rights of the European Union which is annexed to the resolution. The report was adopted by 534 votes in favour to 85 against with 21 abstentions. Parliament gave a mandate to its President to solemnly proclaim the Charter, before the signature of the Treaty of Lisbon, jointly with the President of the Council of the European Union and the President of the Commission.

To recall, the Charter of Fundamental Rights sets out in a single text the civil, political, social and economic rights of Union citizens and of all those that reside in the EU.

These rights are divided into six sections:

- dignity;
- freedoms:
- equality;
- solidarity;
- citizens' rights;
- justice.

The European Council of 2007 had decided not to include the text of the Charter in the new Treaty. The Council's mandate to the IGC stipulated that the Charter should be annexed to the Treaty in the form of a declaration. However, Parliament stated that by confirming the legally binding status of the Charter of Fundamental Rights, the draft Treaty of Lisbon has safeguarded the substance of the major achievement represented by Part II of the Treaty establishing a Constitution for Europe.

Parliament also recalled the main points of its resolution of 11 July 2007 on the convocation of the IGC of (please refer to CNS/2007/0808) in which welcomed the fact that the IGC mandate safeguarded the legally binding status of the Charter of Fundamental Rights, while expressing its strong concerns about the Protocol on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom, which seeks to limit the justiciability of the Charter in certain Member States. In the same resolution, Parliament had stressed its intention to scrutinise carefully the outcome of the 2007 IGC, when it will give its opinion on the Treaty of Lisbon after the latter has been signed.

Through an amendment moved by the Greens/ALE group and approved in plenary by 477 votes for, 106 against and 35 abstentions, Parliament urged Poland and the United Kingdom to make every effort to arrive, after all, at a consensus on the unrestricted applicability of the Charter.

On 12 December in Strasbourg, the European Parliament holds a ceremony on the proclamation of the Charter of Fundamental Rights. The charter will be published in the Official Journal of the European Union.

Charter of Fundamental Rights of the European Union

2007/2218(ACI) - 08/05/2013 - Follow-up document

This 2012 Annual Report on the Application of the EU Charter of Fundamental Rights, issued by the Commission, outlines the concrete steps undertaken for the effective implementation of the Charter in that year. Through these annual reports, the Commission meets the longstanding and legitimate expectations of placing fundamental rights at the heart of EU policies, which have been voiced in particular by the European Parliament.

This report is the basis for the necessary dialogue between all the EU institutions and Member States on the implementation of the Charter. It therefore forms part of the process of political dialogue and scrutiny to ensure that the Charter remains a reference point, to integrate fundamental rights into all EU legal acts and when Member States apply EU law. It also presents how a fundamental rights culture is being developed in the EU by setting new legislation, where the EU has competence to act, and through the jurisprudence of the Court of Justice of the European Union.

The Charter is addressed, first and foremost, to the EU institutions. It is therefore the **primary responsibility of the EU institutions** to ensure respect for fundamental rights as a legal requirement based on the binding Charter. The Commission's strategy is aimed at giving practical effect to the legally binding Charter.

The concrete steps to implement the Charter have fostered a **fundamental rights reflex** when the Commission prepares new legislative and policy proposals. This approach is essential throughout the EU decision making process, including when the European Parliament and Council make amendments to proposals prepared by the Commission. **All EU acts are also subject to the scrutiny of the Court**. This is the ultimate guarantee for the respect of fundamental rights in the EU's legislative work and all other acts of the EU.

The main conclusions of the report are as follows:

- **Positive trends in take-up:** after just three years in force as primary law, the take up of the Charter by national courts when EU law is involved can be seen as a positive sign. The increasing reference to the Charter gives a first indication of an effective, decentralised application of the Charter within the national constitutional orders. This is an important step on the road to a more coherent system for the protection of fundamental rights which guarantees equal levels of rights and protection in all Member States whenever EU law is being implemented.
- **Leading by example:** the respect of fundamental rights, the rule of law and democracy is one of the key foundations on which the Union is built and needs to be continuously protected and strengthened. That is why the Commission is committed to **lead by example in ensuring that all EU acts comply with the Charter**. The Commission remains determined to take decisive steps to give concrete effect to the Charter when it has the competence to do so. Likewise, the Commission is committed to intervene where necessary when Member States implement EU law in order to ensure the effective implementation of the Charter, as in the action it brought before the Court of Justice of the EU contesting the early retirement of judges and public prosecutors in Hungary.
- **Close scrutiny of the Charter's application:** the Commission will keep the **development of fundamental rights protection** in the EU, including the evolving case-law on the application of the Charter both at Union and at national level, **under close review** and calls upon the European Parliament and the Council of Ministers to discuss this report in detail.