

Brussels, 19 October 2010

## European Commission adopts strategy to ensure respect for EU Charter of Fundamental Rights

***The European Commission today adopted a strategy to ensure that the EU Charter of Fundamental Rights – legally binding since the entry into force of the Lisbon Treaty – is effectively implemented. The Commission will verify that all EU laws are in compliance with the Charter at each stage of the legislative process – from the early preparatory work in the Commission to the adoption of draft laws by the European Parliament and the Council, and then in their application by EU Member States. The Commission will provide information to citizens on when it can intervene in fundamental rights issues and will publish an Annual Report on the Charter’s application to monitor the progress achieved. The Commission is thereby responding to calls from the European Parliament.***

*"The Charter is a reflection of our common values and constitutional heritage," said Vice-President Viviane Reding, EU Commissioner for Justice, Fundamental Rights and Citizenship. "The Charter must be the compass for all EU policies. The European Commission, and notably its Justice Department, will be very vigilant in ensuring that the Charter is upheld in all proposals for EU legislation, in all amendments introduced by the Council and by the European Parliament, as well as by Member States when they implement EU laws. The strategy adopted by the Commission today is an important step in creating a European fundamental rights culture."*

With the entry into force of the Lisbon Treaty (1 December 2009), the [EU Charter of Fundamental Rights](#) became legally binding on the EU's institutions and on Member States when they are implementing EU law. The Charter entrenches all the rights found in the European Convention on Human Rights as well as other rights and principles resulting from the common constitutional traditions of the EU Member States, the case law of the European Court of Justice and other international instruments. The Charter is a very modern codification and includes "third generation" fundamental rights, such as data protection, guarantees on bioethics and transparent administration.

Under the strategy, the Commission explains the steps it can take to ensure that the EU has an exemplary fundamental rights record and to improve the public's understanding of fundamental rights protection in Europe by:

## **1. Guaranteeing that the EU is beyond reproach in upholding fundamental rights**

- All proposals for EU legislation must respect the Charter. The Commission will therefore reinforce its assessment of the impact of new legislative proposals on fundamental rights. On the basis of a fundamental rights "check list," the Commission services will identify which fundamental rights could be affected by a proposal and assess systematically the impact on these rights of each envisaged policy option.
- During the legislative process, including final compromises in the European Parliament and the Council, the Commission will work with the co-legislators to ensure that EU law is in line with the Charter. The Commission will launch an inter-institutional dialogue to determine methods for dealing with amendments that raise questions of compatibility with fundamental rights.
- EU Member States are already bound by the fundamental rights guaranteed under their national constitutions. However, when they implement EU law, they must also respect fundamental rights. The Commission will use all tools available, including infringement proceedings when necessary, to ensure compliance with the Charter in the implementation of EU law.

## **2. Improving information for citizens**

- Citizens should know where they can turn for assistance in cases of violations of fundamental rights. They will have access to information about legal remedies in all Member States through the Commission's new [e-Justice portal](#) in 2011.
- The Commission will explain when it can and cannot intervene on fundamental rights complaints where these are outside the scope of EU competence. The Charter does not establish a general power for the Commission to intervene in the area of fundamental rights. It can intervene only when EU law comes into play (for example, when EU legislation is adopted or when a national measure applies an EU law in a manner incompatible with the Charter). Member States have their own systems for protecting fundamental rights through national constitutions and courts; the Charter is not a replacement for them. It is therefore in the first place up to national courts to ensure respect for fundamental rights.

## **3. Monitoring progress**

- The Commission will publish an Annual Report on the application of the Charter. The report will monitor progress in the areas where the EU has powers to act: showing how the Charter has been taken into account in concrete cases (such as when new legislation is proposed). It will provide an opportunity for an annual exchange of views with the European Parliament and the Council and act as a vehicle for improving the information for the public.

## **Background**

The Charter of Fundamental Rights of the European Union was initially solemnly proclaimed by the Presidents of the European Parliament, the Council and the Commission at the Nice European Council on 7 December 2000. At that time, it did not have binding legal effect. Article 6(1) of the Treaty on European Union, as modified by the Lisbon Treaty, provides that the Charter is legally binding and has the same legal value as the Treaties; this means in particular that EU legislation that is in violation of fundamental rights guaranteed by the Charter could be annulled by the Court of Justice of the European Union. The Treaty also states that the Charter's provisions shall not extend the EU's competences as defined in the Treaties. Article 51 of the Charter states that "The provisions of this Charter are addressed to the institutions, bodies and organs of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law."

For the first time, members of the College of Commissioners swore a solemn declaration to uphold the Charter as well as the Treaties in May this year ([IP/10/487](#)).

## **For more information**

Today's Communication is available at the Justice Directorate-General Newsroom:

[http://ec.europa.eu/justice/news/intro/news\\_intro\\_en.htm](http://ec.europa.eu/justice/news/intro/news_intro_en.htm)

Homepage of Vice-President Viviane Reding, EU Commissioner for Justice, Fundamental Rights and Citizenship:

[http://ec.europa.eu/commission\\_2010-2014/reding/index\\_en.htm](http://ec.europa.eu/commission_2010-2014/reding/index_en.htm)