

HOW TO BETTER IMPLEMENT THE EU CHARTER OF FUNDAMENTAL RIGHTS – SELECTED QUOTES FROM EP RESOLUTIONS AND COUNCIL CONCLUSIONS 2010-2020¹

Contents

1. Awareness raising, trust building and training at national level	1
2. The role of national and local actors, civil society, legal professionals and NHRIs	2
3. Better monitoring and better impact assessments	3
4. Consistent Charter checks for all EU law and policy making.....	4
5. An EU policy cycle for Charter implementation	5
6. Other issues	6
Sources	6

1. Awareness raising, trust building and training at national level

The European Parliament “[r]ecalls the **intrinsic link that exists between the rule of law and fundamental rights**; notes the strong mobilisation of EU citizens through which they show their strong commitment to fundamental rights and European values; [and] recalls, in this context, the **need to make all Europeans more aware of the EU’s common values and the Charter**”.²

The Parliament calls on the Commission “**to partner with civil society to develop and implement an awareness-raising campaign aimed at enabling Union citizens and residents to take full ownership of their rights deriving from the Treaties and from the Charter (e.g. freedom of expression, freedom of assembly and the right to vote)**.”³

The Parliament also “**calls on the Member States to pay particular attention to the most needy, to ensure that their rights are explained to them, to support them and to ensure that those rights are respected**”.⁴

The Parliament stresses that “**the effective application of the Charter and the secondary EU legislation on fundamental rights is crucial to the trust of citizens in the proper functioning of**

¹ Informal compilation by FRA, last updated 01/12/2020. Compare also the European Commission strategy on the efficient implementation of the Charter of fundamental rights as adopted on 02/12/2020.

² European Parliament resolution of 1 March 2018 on the Situation of Fundamental Rights in the European Union (2016), points 6 and 12 and also European Parliament resolution of 26 November 2020 on the Situation of Fundamental Rights in the European Union (2018-2019), point 6.

³ European Parliament resolution of 1 March 2018 on the Situation of Fundamental Rights in the European Union (2016), points 6 and 12 and also European Parliament resolution of 26 November 2020 on the Situation of Fundamental Rights in the European Union (2018-2019), point 12.

⁴ European Parliament resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014), point 168. See also European Parliament resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012), point 75.

the European area of justice".⁵

The Council "*emphasises the importance of providing accessible information about the rights enshrined in the Charter to the general public in order to foster the citizens' ownership of the Charter.*"⁶

It recognises that all actors are called upon to apply and promote the use of the Charter at different levels. Therefore the Council invites Member States "*to promote awareness of the Charter rights, including relevant Court of Justice of the European Union (CJEU) case law, especially among European citizens, the public in general, and staff of national authorities, and to ensure that targeted training modules are offered to national legal professionals including judges*".⁷

The Council emphasises the importance of "*communicating to the citizens the precise nature and scope of the rights protected by the Charter as well as the interaction between fundamental rights protection mechanisms at national as well as international level. This should go hand in hand with providing better information, preferably through electronic means, about remedies available at national and EU level for fundamental rights violations. This requires joint efforts of all actors at national and at EU level. The establishment of "admissibility check lists" by competent complaints mechanisms and bodies could help complainants to determine whether their case can likely be dealt with by the body concerned*".⁸

The Council encourages "*the accommodation of training of civil servants to enhance the expertise at national level, through the assistance of the Commission and the Fundamental Rights Agency. In that regard, the Council acknowledges the importance of funding schemes dedicated to Charter training managed by the Commission, and its work of making existing tools and other practices more visible and accessible through a central online access point. The Council also encourages the Agency to maintain and further develop practical toolkits such as the Charterpedia, to develop relevant trainings for legal practitioners and modules and workshops for trainers.*"⁹

2. The role of national and local actors, civil society, legal professionals and NHRIs

The European Parliament explicitly stresses "*the role that regional and local authorities can play in the concrete implementation and in the promotion*" of Charter rights.¹⁰

⁵European Parliament resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014), point 158.

⁶ Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 14.

⁷ Council Presidency Conclusions- The application of the Charter of Fundamental Rights in 2017, 12 October 2018, point 3.

⁸ Council conclusions on the 2011 report from the Commission on the Application of the EU Charter of Fundamental Rights, 26 June 2012, point 8.

⁹ Council conclusions on the application of the Charter of Fundamental Rights in 2015, 9 June 2016, point 8.

¹⁰ European Parliament resolution of 15 December 2010 on the situation of fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon (2009/2161(INI)), point 1.

The Council calls **“on the Member States to strengthen their awareness-raising and training activities regarding the Charter, including for policy makers, civil servants and legal practitioners, as well as national human rights institutions, civil society organisations and other human rights defenders. The Council also calls on the Member States to bring the Charter to the attention of the judiciary and recommends that consideration be given to the development and implementation of guidelines and training programmes on the Charter.”**¹¹

The Council recognises **“the essential role of civil society organisations at local, regional, national and EU levels in promoting fundamental rights, including in raising awareness of fundamental rights among rights-holders and in supporting their efforts to exercise and defend their rights, within the framework of international, EU and national law.”**¹²

The Council underlines **“the necessity of safeguarding an enabling environment for independent national human rights institutions, equality bodies and other human rights mechanisms. They play a crucial role in the protection and promotion of fundamental rights and in ensuring compliance with the Charter. The Council encourages Member States as well as the Commission, the Fundamental Rights Agency and other Union institutions, bodies and agencies to further enhance their cooperation with these mechanisms and to support them in their respective mandates, including the implementation and promotion of the Charter.”**¹³

Furthermore, the Council encourages **“the Fundamental Rights Agency to foster synergies and promote cooperation between networks of government focal points, national human rights institutions, Member States, civil society organisations and citizens”**. The Council invited the Fundamental Rights Agency **“to work together with Member States to facilitate the exchange of good practices, tools and methods and to assist the Member States in their effort to develop effective strategies to raise awareness of and communicate fundamental rights, values and freedoms”**.¹⁴

The Council invites **“the Commission and the Member States to further develop the e-Justice Portal, including by creating a dedicated page on the e-Justice Portal where Member States could publish and update their good practices on awareness raising on, and use of, the Charter.”**¹⁵

3. Better monitoring and better impact assessments

The Parliament calls **“on the Commission to start infringement procedures whenever a Member State breaches the Charter when implementing EU law”**.¹⁶

¹¹ Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 14.

¹² Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 23.

¹³ Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 22.

¹⁴ Council conclusions on the application of the Charter of Fundamental Rights in 2016, 28 July 2017, point 6.

¹⁵ Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 18.

¹⁶ P8_TA(2016)0485, Situation of fundamental rights in the European Union in 2015, European Parliament resolution of 13 December 2016 on the situation of fundamental rights in the European Union in 2015

The Parliament also reminds *“the Commission to request that Member States provide reliable data and facts and to collect information also from non-governmental sources, as well as to request the FRA and other human rights bodies for input”*.¹⁷

The Council recognises *“the relevance of the development of trainings and tools, such as a checklist for national guidance on the application of the Charter or targeted training for determining the applicability of the Charter in national legislative and policy procedures within a broader framework of human rights protection”*.¹⁸

The Council encourages *“the Fundamental Rights Agency to continue developing tools and training, including for legal professionals, and supporting Member States and EU institutions, bodies and agencies in the implementation of the Charter and in promoting a culture of compliance with fundamental rights across the Union”*.¹⁹

4. Consistent Charter checks for all EU law and policy making

The European Parliament stresses that *“all EU legislation, including the economic and financial adjustment programmes” has to be “implemented in accordance with the Charter of Fundamental Rights and the European Social Charter”*.²⁰

The Parliament urges EU actors to *“ensure that legislative proposals and policies comply with the Charter and respect fundamental rights”*, the *“Commission – and the Council, where it initiates legislation – [should] where appropriate, make use of the external independent expertise of the FRA”*.²¹

The Council reaffirms *“its commitment to take into account the guidance on the application of the Charter, including the guidelines on methodological steps to be taken to check fundamental-rights compatibility at the Council preparatory bodies, and it expresses its readiness to explore ways to make more efficient use of that guidance in Council preparatory bodies, including through training.”*²²

The Council invites *“the Commission to continue its efforts to ensure consistency with the Charter in all its legislative and policy initiatives and to examine if the Strategy needs to be reviewed. In order to ensure fundamental rights compliance in all policy areas, the Council*

(2016/2009(INI)), point 5. See also European Parliament resolution of 15 December 2010 on the situation of fundamental rights in the European Union (2009), point 19.

¹⁷ European Parliament resolution of 15 December 2010 on the situation of fundamental rights in the European Union (2009), point 19.

¹⁸ Council conclusions on the application of the Charter of Fundamental Rights in 2015, 9 June 2016, point 7.

¹⁹ Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 19.

²⁰ European Parliament resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014), point 2

²¹ Fundamental rights in the European Union (2012), European Parliament resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012) (2013/2078(INI)), point 8 literae b and c. See also P8_TA(2015)0286, Situation of fundamental rights in the EU (2013-2014), European Parliament resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014) (2014/2254(INI)), point 9 litera f.

²² Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 10.

*invites the Commission to continue to conduct and further enhance systematic fundamental rights impact assessments for all relevant legislative proposals.*²³

The Council recalls *“the possibility of asking for the Agency’s advisory opinions on specific thematic topics within its areas of activity or on positions taken by the Council in the course of legislative procedures. The Council invites the EU institutions and Member States to consider using more frequently the data collected by the Agency when preparing fundamental rights-related legislative and policy initiatives.”*²⁴

5. An EU policy cycle for Charter implementation

Already back in 2012, the European Parliament called *“for the launch of a ‘European fundamental rights policy cycle’, detailing on a multiannual and yearly basis the objectives to be achieved and the problems to be solved”*.²⁵ In this context the Parliament argued for *“the creation of a permanent link between the Parliament’s Committee on Civil Liberties, Justice and Home Affairs, the Council Working Group on Fundamental Rights, Citizens’ Rights and Free Movement of Persons (FREMP) and national parliamentary committees dealing with fundamental rights in order to assess the relevant legislation at EU and national level”*.²⁶

In 2014 the Parliament called for the establishment of *“a regular structured dialogue”* with FREMP, DG Justice as well as civil society organisations.²⁷ The Parliament concretely proposed to *“hold a yearly interinstitutional forum in order to assess the EU fundamental rights situation”*. It held *“that this interinstitutional forum should convene representatives of the Commission, the Council Working Group on Fundamental Rights, Citizens’ Rights and Free Movement of Persons (FREMP), Parliament’s Committee on Civil Liberties, Justice and Home Affairs, Committee on Petitions, Committee on Employment and Social Affairs, and Committee on Regional Development, and representatives of the European Ombudsman, the Fundamental Rights Agency, Eurofound, and the European Data Protection Supervisor”*.²⁸

Furthermore, the Parliament has welcomed *“the proposal for a revision of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights and stressed the need to strengthen and enlarge its mandate following a thorough impact assessment. The Parliament encouraged the Commission, the Council and the European Parliament to systematically use the data produced by FRA in policy making”*²⁹.

²³ Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 16 and 17.

²⁴ Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 20.

²⁵ Fundamental rights in the European Union (2010-2011), European Parliament resolution of 12 December 2012 on the situation of fundamental rights in the European Union (2010 - 2011) (2011/2069(INI))

²⁶ European Parliament resolution of 12 December 2012 on the situation of fundamental rights in the European Union (2010 - 2011) (2011/2069(INI)), point 41.

²⁷ European Parliament resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012) (2013/2078(INI)), point 9 litera g).

²⁸ European Parliament resolution of 12 December 2012 on the situation of fundamental rights in the European Union (2010 - 2011) (2011/2069(INI)), point 21.

²⁹ European Parliament resolution of 26 November 2020 on the Situation of Fundamental Rights in the European Union (2018-2019), point 28.

The Council acknowledges “*the usefulness of exchanging good practices on the implementation of the Charter at national level and between Member States and having thematic discussions on the Charter. The Council recalls the exchange of views that took place in FREMP on this topic during the Finnish Presidency and commits itself to continuing such dialogue on an annual basis.*”³⁰

6. Other issues

The European Parliament expresses concerns over the limited field of application of the Charter. The EP’s Petitions Committee found that “*one third of petitions received by Parliament relate to alleged breaches of fundamental rights referred to in the Charter*”.³¹ The Parliament “*regrets the effective limitation of the scope of application of the Charter due to an excessively restrictive interpretation of its Article 51*”. It “*is of the opinion that this approach should be revised to meet EU citizens’ expectations in relation to their fundamental rights*”.³² In fact the Parliament welcomed the statements made by the former Commission Vice-President Reding arguing for a change in this regard. The Parliament explicitly argued for a “*deletion of Article 51 of the Charter of Fundamental Rights*”.³³

Sources

European Parliament Resolutions

1. Situation of Fundamental Rights in the European Union (2018-2019), [European Parliament resolution of 26 November 2020](#)
2. Situation of Fundamental Rights in the European Union (2017), [European Parliament resolution of 16 January 2019](#)
3. Situation of Fundamental Rights in the European Union (2016), [European Parliament resolution of 1 March 2018](#)
4. Situation of Fundamental Rights in the European Union (2015), [European Parliament resolution of 13 December 2016](#)
5. Situation of Fundamental Rights in the European Union (2013-2014), [European Parliament resolution of 8 September 2015](#)
6. Situation of Fundamental Rights in the European Union (2012), [European Parliament resolution of 27 February 2014](#)
7. Situation of Fundamental Rights in the European Union (2010-2011), [European Parliament resolution of 12 December 2012](#)
8. Situation of Fundamental Rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon, [European Parliament resolution of 15 December 2010](#)

Council Conclusions:

1. [Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work](#), 20 September 2019
2. [Council Presidency Conclusions- The application of the Charter of Fundamental Rights in 2017](#), 12 October 2018
3. [Council conclusions on the application of the Charter of Fundamental Rights in 2016](#), 28 July 2017
4. [Council conclusions on the application of the Charter of Fundamental Rights in 2015](#), 9 June 2016
5. [Council conclusions on the application of the Charter of Fundamental Rights in 2014](#), 12 June 2015

³⁰ Council Conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work, 20 Sept. 2019, para 12.

³¹ P8_TA(2015)0286, Situation of fundamental rights in the EU (2013-2014), European Parliament resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014) (2014/2254(INI)), consideration Y.

³² European Parliament resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014), point 21.

³³ European Parliament resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012), point 14.

6. [Council conclusions on the Commission 2013 report on the application of the EU Charter of Fundamental Rights and the consistency between internal and external aspects of human rights' protection and promotion in the European Union, 5-6 June 2014](#)
7. [Council conclusions on fundamental rights and rule of law and on the Commission 2012 Report on the Application of the Charter of Fundamental Rights of the European Union, 6-7 June 2013](#)
8. [Council conclusions on the 2011 report from the Commission on the Application of the EU Charter of Fundamental Rights, 26 June 2012](#)
9. [Council conclusions on the Council's actions and initiatives for the implementation of the Charter of Fundamental rights of the European Union, 23 May 2011](#)