

## POLICY DEPARTMENTS

### The establishment of an EU mechanism on democracy, rule of law and fundamental rights Inter-parliamentary committee meeting

#### Purpose

The Committee on Civil Liberties, Justice and Home Affairs is holding an inter-parliamentary committee meeting on the establishment of an EU Mechanism on democracy, the rule of law and fundamental rights, on 22 June 2017 in Brussels. The aim of this debate with members of national parliaments is to look at the situation of this proposed new mechanism, which should ensure that all EU Member States respect the values enshrined in the EU treaties and set clear, evidence-based and non-political criteria for assessing their records in these areas.

The inter-institutional perspective and role of national parliaments in establishing a democracy, rule of law and fundamental rights pact and in upholding these principles will be looked into.

#### Inside

This publication provides extracts from relevant supporting analyses provided by the European Parliament's Policy Departments for the Committee on Civil Liberties, Justice and Home Affairs, on Constitutional Affairs, on Petitions, and on Budgetary Control. Scan the QR codes or click on the title of each publication for direct access.

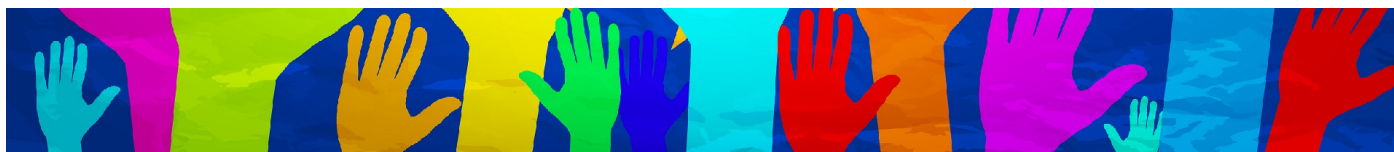


#### Publications

##### [The Charter of Fundamental Rights of the European Union](#)

The Charter of Fundamental Rights of the European Union sets out the basic rights that must be respected by the EU and by its Member States when implementing EU law. It is a legally binding instrument that was drawn up in order to expressly recognise, and give visibility to, the role of fundamental rights in the legal order of the Union. Article 6(1) of the Treaty on European Union (TEU) provides that '[t]he Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union [...], which shall have the same legal value as the Treaties'. The Charter, therefore, constitutes primary EU law; as such, it serves as a parameter for examining the validity of secondary EU legislation and national measures.





### [Value for money of EU programme funding in the field of democracy and rule of law](#) - June 2017

The study explores how far processes are in place to enable the delivery of value for money in this policy area. It includes a review of the European Instrument for Democracy and Human Rights and the Instrument for Stability and Peace. The study considers current ways of working and the potential for improvement. Analysis is based on document review, programme level interviews and ten country case studies. Recommendations include considering a 'theory of change' approach, and further strengthening accountability, transparency, and coordination across both EU and non-EU programmes.



### [The implementation of the Charter of Fundamental Rights in the EU institutional framework](#) - November 2016

The EU institutions are required to take into account the Charter of Fundamental Rights in the design and implementation of legislation or of policies, both within law- and policymaking internal to the EU and in its external relations. This study looks into the role of the Charter in the legislative process; in the economic governance of the EU; in the work of EU agencies; in the implementation of EU law by Member States; and in the external relations of the EU, both in trade and investment policies and in the Common Foreign and Security Policy. It also analyses gaps in judicial protection.



### [Opinion 2/13 of the Court of Justice on the accession of the Union to the ECHR](#) - September 2016

Opinion 2/13 of the European Court of Justice on the accession of the Union to the European Court of Human Rights highlights the requirements of autonomy of EU law. Although this autonomy could be challenged by accession, non-accession does not guarantee it since Member States can be brought before the Court when implementing EU law. In these circumstances, both Article 6 TEU on the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union, and the risks linked to the present situation plead in favour of a resumption of the negotiation process. (Available in FR)



### [A comparative analysis of media freedom and pluralism in the EU member states](#) - September 2016

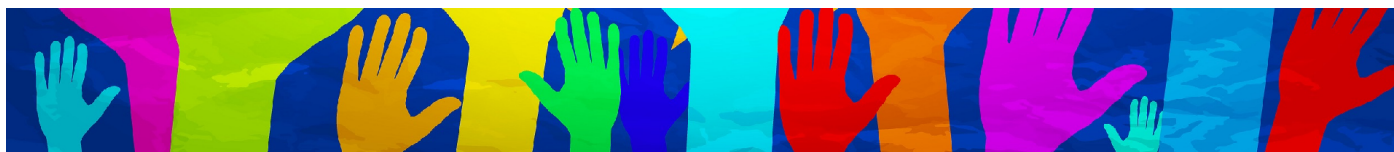
Democratic processes in several EU countries are suffering from systemic failure, resulting in an absence of the basic conditions for media pluralism, and at the same time, a distortion of media pluralism that hampers the proper functioning of democracy. This study offers a new approach to strengthening media freedom and pluralism, bearing in mind the different political and social systems of the Member States. Comparative research was conducted in Bulgaria, France, Greece, Hungary, Italy, Poland and Romania. Enforceable and systematic actions to correct existing deficiencies are proposed.



### [The situation of fundamental rights in the European Union \(2013-2014\): a follow-up](#) - June 2016

In view of supporting the preparation of the report by the Committee on Civil Liberties, Justice and Home Affairs on the situation of fundamental rights in the European Union (2015), this study examines the follow-up given to the European Parliament resolution of September 2015 on the situation of fundamental rights in the European Union (2013-2014). It considers the conditions that should be achieved for the establishment of an EU fundamental rights strategy, and the recent developments related to the issues of concern. It also analyses the proposals made in the abovementioned resolution.





### [The interpretation of Article 51 of the EU Charter of Fundamental Rights](#) - February 2016

This study considers the dilemma of a broad or narrow application of the Charter of Fundamental Rights to national measures. It considers the way the Court of Justice of the European Union has been interpreting fundamental rights in relation to such measures before and after the Lisbon Treaty, and the constitutionalisation of the Charter. The study concludes that a more courageous approach should be taken at EU level when examining national implementing measures of EU law raising fundamental rights issues, notably until these are not evenly and properly guaranteed across the European Union.



### [The triangular relationship between fundamental rights, democracy and rule of law in the EU](#) - October 2013

This study examines the challenges that arise in reflecting on ways to strengthen EU competences in fundamental rights, democracy and the rule of law in the EU. It analyses the current state of play and provides a map of EU-level mechanisms assessing respect for rule of law, democracy and fundamental rights by EU Member States. Crosscutting dilemmas affecting the operability and effective implementation of these principles are looked into. The study proposes the creation of a new supervisory mechanism – the Copenhagen mechanism – to effectively address the current rule of law deficits in the EU.



### [The European Social Charter in the context of implementing the EU Charter of Fundamental Rights](#) - January 2016

This study examines the role of the European Social Charter in the legal order of the European Union. Despite its increased visibility and relevance to fields covered by the EU, the European Social Charter has been ignored from the more recent developments concerning the protection of fundamental rights. The current lack of coordination creates the risk of conflicting obligations imposed on the EU Member States, both as members of the EU and as States parties to the European Social Charter. This study analyses the various options that could be explored in order to move beyond the current impasse.



### [The evolution of fundamental rights charters and case law: a comparison](#) - February 2011

This report seeks to convey the importance of the institutional context of human rights protection. It examines the human rights protection systems of the United Nations, the Council of Europe and the European Union. It explores the substantive rights, protection mechanisms, modes of engagement within, and the interactions between each system. The report also outlines the protection of minority rights, and the political processes through which human rights and institutions evolve and interact. A series of recommendations are made on how to advance the human rights system of the European Union.



### [Respect for fundamental rights in the European Union: Fact Sheets](#) - May 2017

This compilation brings together Fact Sheets on the following topics: the Charter of Fundamental Rights, which is a legally binding instrument setting out the basic rights that must be respected by the European Union and the Member States when implementing EU law; European citizenship - which exists as a complement to citizenship of a Member State - and the rights citizens of the Union; respect for fundamental rights in the Union; the freedom of movement of persons; equality between men and women; judicial cooperation in civil matters; the right of petition; and the European Citizens' Initiative.



## Policy Departments

There are five policy departments within the European Parliament's DGs for Internal Policies and for External Policies. They are responsible for providing both in-house and external high-level independent expertise, analysis and policy advice at the request of committees and other parliamentary bodies (delegations, President, Bureau, Secretary-General). Their expertise covers all areas of activity of the European Parliament. They are closely involved in the work of committees, which they support in shaping legislation on and exercising democratic scrutiny over EU policies.

### Outputs

Most frequently prepared at the request of a European Parliament committee or delegation, the written output of the policy departments comprises a wide range of products, including studies, in-depth country- or issue-specific analyses, briefings examining issues of strategic importance, as well as notes containing short EU-oriented analyses of recent events or developments. They serve a variety of purposes: they can feed directly into the legislative work of a specific committee or serve as a briefing for delegations of members. The policy departments also draft the Fact Sheets on the EU, which provide an overview of European integration and of the European Parliament's contribution to that process. Furthermore, they provide background notes and speaking points.

### Events

The policy departments organise events that enhance Parliament's analytical capacity and develop common approaches to current political issues. Public workshops, bringing together groups of experts, are organised to provide independent expertise via written and oral presentations. Expert panels are set up to provide members with regular written contributions or to feed into the parliamentary debate during meetings. Publications are generally presented during committee meetings.

### Scrutiny

Policy departments provide research support to enhance the European Parliament's capacity to monitor EU negotiations and the implementation of international agreements. They have also developed an in-house methodology to scrutinise EU-funded projects.

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## Fact Sheets on the EU

The Fact Sheets give an overview of European integration and of Parliament's contribution to the process. They cover six main themes:

- the EU's functioning;
- a citizens' Europe;
- the internal market;
- economic and monetary union;
- sectoral policies; and
- external relations.

The Fact Sheets are available in 23 languages and are updated regularly.

[www.europarl.europa.eu/factsheets](http://www.europarl.europa.eu/factsheets)



## Supporting Analyses

Access policy departments Studies, Briefings, In-depth Analyses and At-a-Glance notes.

[www.europarl.europa.eu/supporting-analyses](http://www.europarl.europa.eu/supporting-analyses)



## Thematic Digests

Leaflets with policy department publications relevant to seminars, inter-parliamentary meetings.



## Monthly Highlights

The Monthly Highlights provide an overview, at a glance, of the on-going work of the policy departments, including a selection of the latest and forthcoming publications, and future events.

To receive them, send an email to: [ep-policydepartments@ep.europa.eu](mailto:ep-policydepartments@ep.europa.eu)

