



2016/2009(INI)

9.11.2016

OPINION

of the Committee on Constitutional Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the European Union in 2015
(2016/2009(INI))

Rapporteur: Cristian Dan Preda

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SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that ‘human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities’ are the values on which the EU is founded, as stated in Article 2 TEU; underlines the utmost importance of ensuring, strengthening and promoting full respect for these values at both Union and Member State level; recalls that human rights are universal and indivisible;
2. Believes that the conclusions and opinions of the European Union Agency for Fundamental Rights and the case law of the Court of Justice of the European Union constitute a good basis for the interpretation of Article 2 TFEU and the scope of the rights enshrined in the Charter of Fundamental Rights;
3. Notes the obligation laid down in the Treaties to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); underlines the fact that the Treaties recognise that fundamental rights, as guaranteed by the ECHR and as they result from the constitutional traditions common to the Member States, constitute general principles of the Union’s law;
4. Stresses that in case of systemic threats to the rule of law, Article 7 and Rule of Law Framework procedures should be launched to provide remedies; considers it important to establish a new consensus between the EU and its Member States regarding respect for democracy, the rule of law and fundamental rights, in order to ensure respect among European citizens and prevent any undermining of these values; any questioning of the rule of law is a red line which a democratic country cannot and must not cross;
5. Highlights the importance of ensuring full respect for the Charter of Fundamental Rights throughout the whole legislative process; welcomes in this regard the Better Regulation Agreement, and draws attention to the significant role of comprehensive impact assessments, as well as of close cooperation between the EU institutions and the Member States; recalls that effective, accurate implementation of EU law is crucial to protecting the values of the Union, and that this protection is essential to the credibility of the EU as a whole;
6. Points out that the purpose of security and justice policies is to protect freedom and fundamental rights; stresses therefore that legislation and policy making in this field must be in line with the Charter of Fundamental Rights;
7. Considers that further efforts should be made towards a consistent and uniform implementation of the Charter, including through awareness-raising measures among practitioners and the general public, in order to guarantee that the rule of law and the fundamental rights of European citizens are respected and promoted, and stresses that the European institutions should be at the forefront of this work; points out that significant efforts should be made to improve protection of the freedoms of expression, assembly and association and of free media, as well as to guarantee the independence of the judiciary;

8. Endorses the activation by the Commission for the first time ever of the new Framework for the Rule of Law; recommends a thorough evaluation of its functioning and results with a view to improving its effectiveness;
9. Notes the first two Rule of Law dialogues, held by the Council; looks forward to the expected evaluation of this mechanism, which should aim at improving its relevance as well as its complementarity with the other EU rule of law instruments;
10. Calls on the European Union Agency for Fundamental Rights to be mandated to produce a biennial report on the extent to which Europe's most deprived citizens have access to all fundamental rights, as laid out in the Charter of Fundamental Rights of the European Union;
11. Stresses that the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) contributes to the protection of the human rights and fundamental freedoms of EU citizens and Member States; reiterates emphatically its call on the Commission, following Opinion 2/13 of the European Court of Justice, to identify the necessary steps forward for the accession of the European Union to the ECHR, in line with the obligation set out in Article 6(2) TEU;
12. Underlines that the procedure under Article 7 TEU is a last-resort mechanism which can hardly be used to its full potential because of the unanimity requirement in the European Council; draws attention, in this context, to its resolution on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights; reiterates its recommendation for the establishment of a comprehensive Union mechanism to ensure effective monitoring of respect for fundamental rights and the rule of law in the Member States; recommends that a Union pact on democracy, the rule of law and fundamental rights (EU pact for DRF) should include preventive and corrective elements, and points to the proposal for an annual European DRF Report to be drawn up using a variety of sources, which should constitute a basis for preventing and correcting any breaching of Union values;
13. Calls for an extensive debate on the tasks and activities of the EU Agency for Fundamental Rights; underlines the importance of the Agency's work in supplying expertise to EU institutions and EU Member States, and recognises its great contribution to broader awareness of respect for fundamental rights in the Union.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	8.11.2016
Result of final vote	+: 17 -: 3 0: 2
Members present for the final vote	Mercedes Bresso, Richard Corbett, Esteban González Pons, Danuta Maria Hübner, Diane James, Ramón Jáuregui Atondo, Constance Le Grip, Maite Pagazaurtundúa Ruiz, György Schöpflin, Barbara Spinelli, Claudia Țapardel, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski
Substitutes present for the final vote	Max Andersson, Gerolf Annemans, Ashley Fox, Charles Goerens, Sylvia-Yvonne Kaufmann, Jérôme Lavrilleux, Helmut Scholz
Substitutes under Rule 200(2) present for the final vote	Pilar Ayuso, Gabriel Mato, Wim van de Camp