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How to make the Charter of Fundamental Rights the compass for all EU policies?

*Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort*

Hearing of the Committee on Civil Liberties, Justice and Home
Affairs

Brussels, EP, 22 June 2010

Ladies and Gentleman,

It is a great pleasure to attend this Hearing on the Charter of Fundamental Rights of the European Union. With the entry into force of the Lisbon Treaty, we have achieved an historic breakthrough. We have a legally binding Charter, the EU's own ambitious catalogue of fundamental rights.

Now we need to put the Charter into practice! The Commission will present later this year a communication on the EU fundamental rights policy which will set out its strategy for an effective enforcement of the Charter.

My key objective is to render as effective as possible the rights enshrined in the Charter for the benefit of all people living in the EU. The EU accession to the European Convention on Human Rights is another incentive for an ambitious fundamental rights policy: the European Court of Human Rights is likely to have fewer occasions to intervene on matters linked to EU law if the EU is exemplary when making legislation and when Member States implement it.

The Charter must be the compass for all EU policies and for their implementation at national level. This must be the common objective of all EU institutions and of the Member States.

Within the Commission, the Charter must guide the actions of all services. Let's not forget that on 3 May, all Commissioners swore a solemn declaration before the European Court of Justice pledging to respect the Charter in the fulfilment of all their duties.

(Security policies and fundamental rights must go hand in hand)

For example, security is an area where we should show our commitment to put the Charter into practice. Security policies and fundamental rights must always go hand in hand. The firmer the guarantees of the EU and its Member States to respect fundamental rights, the better the Union's chances of making effective advances in the fight against terrorism and organised crime. The Stockholm Programme explicitly highlighted that anti-terrorism activities must be conducted with full respect for fundamental rights. I am convinced that an ambitious fundamental rights policy is complementary to an efficient and "sustainable" counter-terrorism policy. The two must go together in a policy firmly grounded as our common European values and rights.

(Embedding a fundamental rights culture in the Commission)

My first priority is to ensure that the Union is beyond reproach whenever making legislation. This should start at the very beginning of EU law-making, when the Commission's prepares its proposals.

The Commission is committed to ensuring a systematic and rigorous monitoring of compliance of its proposals with the Charter and follows a specific methodology in that respect. We need to go further in order to foster a genuine fundamental rights culture.

For instance, already in the exploration phase for new initiatives, the Commission consultation papers such as green papers should flag possible fundamental rights implications of future initiatives. Such upstream awareness will encourage interested parties to provide relevant contributions indispensable to the preparation of new initiatives.

Rigorous assessment of the impact on fundamental rights of new legislative proposals is crucial. I intend to reinforce the fundamental rights dimension in the impact assessment work. Impact assessments should identify which fundamental rights could be affected and assess systematically the impact on these rights of each envisaged policy option. Impact assessment must

describe the degree of interference with these rights and the necessity for such interference.

There is also a need to reinforce the explanatory memorandum and the recitals of legislative proposals which have a particular impact on fundamental rights. This will contribute to a better understanding of the fundamental rights implications by all institutions participating in the negotiation process.

(Promoting the Charter throughout the legislative process)

The use of the Charter as a compass should not stop at this initial phase of the preparation of new proposals. It is also crucial to watch over the entire EU legislative process to ensure that the final texts emerging from it are in line with the Charter. It is a collective responsibility of all the institutions to ensure that European Union law remains consistent with fundamental rights throughout the legislative process, including during the final compromises in the Council and in the European Parliament. This has been explicitly highlighted by the European Council in the Stockholm Programme.

We need to explore at inter-institutional level how this can be achieved. How can we ensure that such amendments are properly assessed? How can we ensure that complex

compromises are not reached with disregard to fundamental rights?

I think that all these questions need to be examined and the experience of the LIBE committee will certainly be useful in that respect. This reflection should also address how to deal with Member States initiatives in the area of judicial cooperation in criminal matters and police cooperation. Even if we expect that such initiatives will be rare, they should also be accompanied by an impact assessment which rigorously examines the impact on fundamental rights.

(Ensuring compliance with the Charter when Member States implement EU law)

The Charter applies not only to EU institutions, but also to Member States when they implement EU law. That's why the Commission will use all the tools available under the Treaty to ensure compliance with the Charter of national legislation that transposes EU law. I will certainly not shy away from starting infringement proceedings whenever necessary.

(Need for more reliable and comparable data on the situation on the ground)

This session of the hearing, with the participation of the Fundamental Rights Agency, the academic world and civil society, also provides a good opportunity to underline the need for more concrete information of the situation on the ground. The Fundamental Rights Agency can play a crucial role here by providing us with comparable and reliable data on the situation in the 27 Member States in the areas where the EU can act. Civil society and experts have also a unique insight into the everyday problems that exist on the ground.

(Monitoring progress through the Annual Report)

We need to keep the momentum created by the Lisbon Treaty. The Commission will publish an annual report on the application of the Charter, in particular by the EU institutions. The report will monitor progress on the enforcement of the Charter in the areas where the Union has powers to act, giving examples of the impact of the Charter in specific cases of EU intervention. The report will provide an opportunity for the European Parliament and the Council to hold an annual policy debate on what has been done and what should be done in the future.

(Need to join efforts)

To conclude, it is important that all EU institutions, authorities and interested parties join efforts in putting the Charter into practice. A legally binding Charter is not only an institutional event! It should be put in practice by all of us within the remit of our powers: the European Parliament, the Council and the Commission when they legislate, national authorities when they implement EU law and national courts when they take decisions on issues involving EU law.

With a legally binding Charter, we have entered into a new phase of the development of European integration and I count on the support of Parliament, Council and the Member States for developing an ambitious EU Fundamental Rights Policy.