



2017/2089(INI)

5.12.2018

OPINION

of the Committee on Employment and Social Affairs

for the Committee on Constitutional Affairs

on the implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework
(2017/2089(INI))

Rapporteur for opinion: Eduard Kukan

PA_NonLeg

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas social provisions are a crucial part of the European Charter of Fundamental Rights and the Union's legal structure; whereas it is important to ensure respect for and highlight the importance of fundamental rights across the Union;
 - B. whereas ever since the entry into force of the Lisbon Treaty, the Charter has been a source of primary law, applying in the first instance to the institutions and bodies in the Union;
 - C. whereas the Union, including EU institutions, bodies, offices and agencies and the Member States have the obligation to safeguard fundamental rights during the execution of their mandates and to fully comply with the Charter, including throughout the entire legislative process and when implementing Union legislation; whereas systematic application of the Charter in all policy fields is important;
 - D. whereas such an obligation means that EU institutions should not only seek to avoid violations of Charter rights, but also enhance the potential of the Charter by actively and systematically incorporating those rights when legislating or developing policies;
 - E. whereas the Council and Parliament must systematically ensure that any choices to be made between different policy options under consideration should be assessed on the basis of the contribution that such options make to the fulfilment of the Charter;
 - F. whereas the proclamation of the European Pillar of Social Rights further stresses the importance of equal opportunities and access to the labour market, fair and decent working conditions and social protection and inclusion, with a view to delivering new and more effective rights to citizens and enhancing the rights already enshrined in the Charter;
1. Reaffirms that all legal acts adopted by the Union must fully include and comply with the Charter's provisions, including its social provisions and provisions in the area of economic governance; stresses that the compliance of Union legislation and policies with the Charter must be systematically assessed; calls on the Commission to ensure compliance of the European Semester process with the Charter, including the annual growth survey and the country specific recommendations;
 2. Welcomes, in the context of the European Pillar of Social Rights, the Commission's proposals on work-life balance, on predictable and transparent working conditions and on the coordination of the social security systems;
 3. Understands that jurisprudence will impact on the scope of the Charter and that this must be taken into consideration;
 4. Calls for the European Union to accede to the European Social Charter of the Council of Europe;

5. Stresses that all Union actors should devote equal consideration to social rights and economic rights and principles as to the other fundamental rights and principles enshrined in the Charter;
6. Calls on the Commission, the other EU institutions and Member States' national and regional governments to consult the European Union Agency for Fundamental Rights (FRA) when fundamental rights are at stake;
7. Emphasises that the Union needs to further raise awareness of the Charter at both national and Union level, by enhancing communication on fundamental rights, values and freedoms, with a special focus on employment and social policies; underlines the importance of further promoting fundamental rights and freedoms; calls on the Union's institutions and agencies, particularly those in the field of employment and social policies, to better align their practices with regard to the implementation of the Charter; calls for a particular focus on facilitating employment for persons with disabilities and on offsetting the disadvantages they experience in career progression; calls on the Commission to establish a Directorate-General responsible for matters concerning persons with disabilities; regrets the fact that the Charter's potential has not yet been fully exploited;
8. Stresses the important role of the European Ombudsman in holding the Union's institutions to account and promoting their good administrative practices; welcomes the work carried out by the European Ombudsman;
9. Welcomes the Commission's work on fundamental rights and its annual reports on the application of the fundamental rights and freedoms enshrined in the Charter;
10. Welcomes the EU's increased focus on the rights of elderly citizens and encourages further advances in a rights-based approach to ageing; stresses the importance of fighting ageism;
11. Stresses that the Union institutions and Member States should respect their obligations relating to the social and economic requirements of the Charter when seeking to ensure compliance with Union instruments, such as the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG) and the Stability and Growth Pact; demands, furthermore, that the notion of 'exceptional circumstances' pursuant to Article 3(3)(b) of the TSCG, which permits a deviation from the medium-term objective or planned adjustment path, should be interpreted in such a way as to include the country's inability to comply without compromising its obligations under the social provisions of the Charter;
12. Recognises the vital role of the FRA in assessing compliance with the Charter and welcomes the work that the Agency has undertaken; encourages the FRA to continue advising and supporting EU institutions and Member States on improving the culture of fundamental rights across the Union; welcomes the recently adopted FRA Strategy for 2018-2022;
13. Reaffirms that the Charter's social provisions guarantee adequate social and health coverage and protection for all workers, including platform workers;

14. Stresses that it is important that all proposals for Union legislation must respect the fundamental rights enshrined in the Charter; highlights, with special regard for fundamental workers' rights, the need for the Union to ensure that every worker enjoys the same fundamental rights, regardless of company size, contract type, or employment relationship;
15. Calls on the Commission and the European Central Bank to fully comply with the Charter in fulfilling their tasks under the European Stability Mechanism, including the lending practices of the latter, in view of the jurisprudence of the Court of Justice.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	3.12.2018
Result of final vote	+: 35 -: 1 0: 2
Members present for the final vote	Laura Agea, Guillaume Balas, Brando Benifei, Enrique Calvet Chambon, David Casa, Michael Detjen, Geoffroy Didier, Lampros Fountoulis, Marian Harkin, Agnes Jongerius, Rina Ronja Kari, Jan Keller, Ádám Kósa, Agnieszka Kozłowska-Rajewicz, Jean Lambert, Jérôme Lavrilleux, Patrick Le Hyaric, Jeroen Lenaers, Verónica Lope Fontagné, Thomas Mann, Elisabeth Morin-Chartier, Emilian Pavel, Georgi Pirinski, Dennis Radtke, Terry Reintke, Robert Rochefort, Claude Rolin, Siôn Simon, Ulrike Trebesius
Substitutes present for the final vote	Georges Bach, Heinz K. Becker, Deirdre Clune, Tania González Peñas, Alex Mayer, Jasenko Selimovic, Helga Stevens, Monika Vana
Substitutes under Rule 200(2) present for the final vote	Caterina Chinnici

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ALDE	Enrique Calvet Chambon, Marian Harkin, Robert Rochefort, Jasenko Selimovic
EFDD	Laura Agea
GUE/NGL	Tania González Peñas, Rina Ronja Kari, Patrick Le Hyaric
PPE	Georges Bach, Heinz K. Becker, David Casa, Deirdre Clune, Geoffroy Didier, Adam Kósa, Agnieszka Kozłowska-Rajewicz, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Thomas Mann, Elisabeth Morin-Chartier, Dennis Radtke, Claude Rolin
S&D	Guillaume Balas, Brando Benifei, Caterina Chinnici, Michael Detjen, Agnes Jongerius, Jan Keller, Alex Mayer, Emilian Pavel, Georgi Pirinski, Siôn Simon
VERTS/ALE	Jean Lambert, Terry Reintke, Monika Vana

1	-
NI	Lampros Fountoulis

2	0
ECR	Helga Stevens, Ulrike Trebesius

Key to symbols:

+ : in favour

- : against

0 : abstention