



**2017/2089(INI)**

17.10.2018

# **DRAFT OPINION**

of the Committee on Civil Liberties, Justice and Home 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: Dennis de Jong

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home 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 Article 6 of the Treaty on European Union (TEU) recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which has the same legal value as the Treaties;
  - B. whereas in accordance with Article 51 of the Charter, its provisions are addressed, *inter alia*, to the institutions, bodies, offices and agencies of the Union;
  - C. whereas Article 6 TEU also emphasises that fundamental rights, as guaranteed by the European Convention on Human Rights, shall constitute general principles of the Union's law;
  - D. whereas Article 151 of the Treaty on the Functioning of the European Union (TFEU) refers to fundamental social rights such as those set out in the European Social Charter;
  - E. whereas its study of November 2017 on the implementation of the Charter of Fundamental Rights in the EU institutional framework<sup>1</sup> considers, *inter alia*, the relevance of the Charter for the Commission's activities under the Treaty Establishing the European Stability Mechanism (ESM Treaty) and in the context of the European semester;
  - F. whereas the EU Agency for Fundamental Rights (FRA) has formulated a number of recommendations for the effective implementation of the Charter of Fundamental Rights in its opinions entitled 'Improving access to remedy in the area of business and human rights at the EU level'<sup>2</sup> and 'Challenges and opportunities for the implementation of the Charter of Fundamental Rights'<sup>3</sup>;
1. States that the Charter of Fundamental Rights has to be applied with full respect for the European Convention on Human Rights (ECHR), while also recognising the importance of the European Social Charter and the European Pillar of Social Rights and calls upon the Commission to speed up the accession procedure of the EU to the ECHR and to give greater priority to the examination of the possibility of the EU's accession to the European Social Charter;
  2. Recalls that the Court of Justice ruled<sup>4</sup> that the Commission must fully respect the Charter also in the tasks allocated to it under the ESM Treaty, in particular when it

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<sup>1</sup> 'The Implementation of the Charter of Fundamental Rights in the EU institutional framework', European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens' Rights and Constitutional Affairs, November 2017.

<sup>2</sup> FRA Opinion 1/2017, 10 April 2017.

<sup>3</sup> FRA Opinion 4/2018, 24 September 2018.

<sup>4</sup> Judgement of the Court (Grand Chamber) of 20 September 2016, *Ledra Advertising Ltd and others v European Commission and European Central Bank (ECB)*, ECLI:EU:C:2016:701.

comes to signing memoranda of understanding, and that the same applies to the country-specific recommendations in the context of the European semester; calls on the Commission to better integrate fundamental rights impact assessments into EU socio-economic governance;

3. Emphasises that the Charter's application also extends to the EU agencies; encourages in particular Frontex and the European Asylum Support Office (EASO) to work on a culture of fundamental rights, not only for application in their general policies but also in the daily activities of the border and coast guards, as well as the asylum officers, assigned to these agencies;
4. States that there are still gaps in access to remedy for victims in third countries of business-related fundamental rights abuses and calls for mechanisms that allow victims to address such abuses when the company concerned is established within the EU to be built into the EU's external agreements, in particular its trade and investment agreements;
5. Supports the proposal for Charter-conditionality of EU funds under the multiannual financial framework 2021-2027, which should be achieved *inter alia* by introducing strong and consistent fundamental rights clauses into the operational texts of the draft regulations establishing the large EU funds.