



2017/2089(INI)

4.12.2018

AMENDMENTS

1 - 100

Draft report

Barbara Spinelli

(PE629.691v01-00)

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

Amendment 1
Elmar Brok

Motion for a resolution
Citation 4

Motion for a resolution

Amendment

— *having regard to the European Social Charter, the Additional Protocol thereto and the revised version thereof, and the jurisprudence of the European Committee of Social Rights,*

deleted

Or. de

Amendment 2
Elmar Brok

Motion for a resolution
Citation 8

Motion for a resolution

Amendment

— *having regard to the UN Guiding principles on human rights impact assessments of trade and investment agreements and to the UN Guiding Principles on Business and Human Rights,*

deleted

Or. de

Amendment 3
Barbara Spinelli, Julie Ward

Motion for a resolution
Citation 13 a (new)

Motion for a resolution

Amendment

- *having regard to its resolution of 4 October 2018 on the EU's input to a UN Binding Instrument on transnational corporations and other business enterprises with respect to human rights,*

Amendment 4
Barbara Spinelli, Julie Ward

Motion for a resolution
Citation 28 a (new)

Motion for a resolution

Amendment

- ***having regard to the Judgment of the CJEU of 6 November 2018, in Joined Cases C-569/16 and C-570/16, Stadt Wuppertal v. Maria Elisabeth Bauer and Volker Willmeroth v. Martina Broßonn,***

Or. en

Amendment 5
Barbara Spinelli, Julie Ward

Motion for a resolution
Citation 28 b (new)

Motion for a resolution

Amendment

- ***having regard to the Opinion 2/13 of the CJEU of 18 December 2014 on the Accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms,***

Or. en

Amendment 6
Barbara Spinelli, Julie Ward

Motion for a resolution
Citation 28 c (new)

Motion for a resolution

Amendment

- ***having regard to the opinion 2/15 of the CJEU of 16 May 2017 on the Free Trade Agreement between the EU and***

Singapore,

Or. en

Amendment 7

Elmar Brok

Motion for a resolution

Citation 34

Motion for a resolution

Amendment

— *having regard to the Decisions of the European Ombudsman of 26 February 2016 in case 1409/2014/MHZ on the European Commission's failure to carry out a prior human rights impact assessment of the EU-Vietnam free trade agreement, of 18 January 2017 in the joint inquiry into complaints 506-509-674-784-927-1381/2016/MHZ against the European Commission concerning a human rights impact assessment in the context of the EU-Turkey Agreement, and of 15 May 2018 in strategic inquiry OI/2/2017/TE on the transparency of the Council legislative process,* *deleted*

Or. de

Amendment 8

Elmar Brok

Motion for a resolution

Citation 35

Motion for a resolution

Amendment

— *having regard to the Opinion of the Secretary General of the Council of Europe of 2 December 2016 on the European Union initiative to establish a European Pillar of Social Rights,* *deleted*

Or. de

Amendment 9
Elmar Brok

Motion for a resolution
Citation 36

Motion for a resolution

— *having regard to the General Report of the High Level Conference on the European Social Charter, held in Turin on 17 and 18 October 2014,*

Amendment

deleted

Or. de

Amendment 10
Elmar Brok

Motion for a resolution
Citation 38

Motion for a resolution

— having regard to the studies entitled ‘The implementation of the Charter of Fundamental Rights in the EU institutional framework’, ‘The interpretation of Article 51 of the EU Charter of Fundamental Rights: the Dilemma of Stricter or Broader Application of the Charter to National Measures’ *and* ‘*The European Social Charter in the context of implementation of the EU Charter of Fundamental Rights*’ published by its Directorate-General for Internal Policies on 22 November 2016, 15 February 2016 *and 12 January 2016 respectively*¹⁴,

Amendment

— having regard to the studies entitled ‘The implementation of the Charter of Fundamental Rights in the EU institutional framework’ *and* ‘The interpretation of Article 51 of the EU Charter of Fundamental Rights: the Dilemma of Stricter or Broader Application of the Charter to National Measures’ published by its Directorate-General for Internal Policies on 22 November 2016 *and* 15 February 2016¹⁴,

¹⁴ Study entitled ‘The implementation of the Charter of Fundamental Rights in the EU institutional framework’, European Parliament, Directorate-General for Internal Policies, Policy Department C, 22 November 2016; study entitled ‘The interpretation of Article 51 of the EU Charter of Fundamental Rights: the Dilemma of Stricter or Broader Application of the Charter to National

¹⁴ Study entitled ‘The implementation of the Charter of Fundamental Rights in the EU institutional framework’, European Parliament, Directorate-General for Internal Policies, Policy Department C, 22 November 2016; study entitled ‘The interpretation of Article 51 of the EU Charter of Fundamental Rights: the Dilemma of Stricter or Broader Application of the Charter to National

Measures', Directorate-General for Internal Policies, Policy Department C, 15 February 2016 *and study entitled 'The European Social Charter in the context of implementation of the EU Charter of Fundamental Rights' of 12 January 2016.*

Measures', Directorate-General for Internal Policies, Policy Department C, 15 February 2016.

Or. de

Amendment 11
Elmar Brok

Motion for a resolution
Citation 40 a (new)

Motion for a resolution

Amendment

- *whereas this report does not assess each individual right contained in the Charter, but, rather, analyses implementation of the Charter as an instrument of primary law;*

Or. de

Amendment 12
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Recital B

Motion for a resolution

Amendment

B. whereas, according to the CJEU, the fundamental rights recognised by the Charter are at the heart of the EU legal structure, and respect *for those rights is a condition of the lawfulness of EU acts;*

B. whereas, according to the CJEU, the fundamental rights recognised by the Charter are at the heart of the EU legal structure, and *their respect is a necessary precondition for legality of any EU act;*

Or. en

Amendment 13
Fabio Massimo Castaldo

Motion for a resolution

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Recital C a (new)

Motion for a resolution

Amendment

Ca. *whereas since 2013 the International Monetary Fund has condemned the austerity policies on which European economic governance has been based over the past fifteen years, owing to their negative impact on troubled economies and populations; whereas the Council of Europe report^{1 a} on Greece last November highlighted how those same policies have led to the violation of fundamental rights (enshrined also in the Charter) in Greece;*

^{1 a} <https://rm.coe.int/report-on-the-visit-to-greece-from-25-to-29-june-2018-by-dunja-mijatov/16808ea5bd>

Or. it

Amendment 14

Elmar Brok

Motion for a resolution

Recital C a (new)

Motion for a resolution

Amendment

Ca. *whereas Article 51 of the Charter circumscribes the scope of the Charter with regard to observing the principle of subsidiarity, taking account of the powers of the Member States and of the Union, and respecting the limits of the powers conferred on the Union in the Treaties;*

Or. de

Amendment 15

Elmar Brok

Motion for a resolution

Recital C b (new)

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Motion for a resolution

Amendment

Cb. whereas Article 51(2) of the Charter makes it clear that the Charter does not extend the scope of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties.

Or. de

Amendment 16

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Recital E

Motion for a resolution

E. whereas, by virtue of Article 51, the provisions of the Charter apply to the Member States only when they implement Union law; whereas, however, the uncertain boundaries of such a requirement make it hard to determine whether and how the Charter applies concretely, ***leading to a de facto shortfall in its implementation at national level;***

Amendment

E. whereas, by virtue of Article 51, the provisions of the Charter apply to the Member States only when they implement Union law; whereas, however, the uncertain boundaries of such a requirement make it hard to determine whether and how the Charter applies concretely;

Or. en

Amendment 17

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Recital F

Motion for a resolution

F. whereas the dichotomy between rights and principles enshrined in Articles 51 and 52 of the Charter is unclear and risks undermining the very essence of the Charter itself, and weakens, at the same time, the principle of the interdependence

Amendment

deleted

of human rights;

Or. en

Amendment 18

Paulo Rangel

Motion for a resolution

Recital F

Motion for a resolution

Amendment

F. whereas the dichotomy between rights and principles enshrined in Articles 51 and 52 of the Charter is unclear and risks undermining the very essence of the Charter itself, and weakens, at the same time, the principle of the interdependence of human rights;

deleted

Or. pt

Amendment 19

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Recital G a (new)

Motion for a resolution

Amendment

G a. whereas the commitment in the European Pillar of Social Rights to delivering new and more effective rights for citizens in the areas of equal opportunities and access to the labour market, fair working conditions and social protection and inclusion further enhances the rights enshrined in the Charter;

Or. en

Amendment 20

Josep-Maria Terricabras

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on behalf of the Verts/ALE Group

Motion for a resolution
Recital G b (new)

Motion for a resolution

Amendment

G b. whereas the principle of gender equality is a core value of the EU and is enshrined in the EU Treaties and the Charter of Fundamental Rights; whereas Article 8 TFEU establishes the principle of gender mainstreaming by stating that ‘In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women’;

Or. en

Amendment 21
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Recital G c (new)

Motion for a resolution

Amendment

G c. whereas the European Institute for Gender Equality (EIGE) is tasked with developing, analysing, evaluating and disseminating methodological tools in order to support the integration of gender equality into all EU policies and the resulting national policies and to support gender mainstreaming in all EU institutions and bodies;

Or. en

Amendment 22
Paulo Rangel

Motion for a resolution
Recital H

Motion for a resolution

H. whereas **the transparency** of the **EU legislative and decision-making processes is** an essential precondition for citizens to be able to assess and properly monitor the implementation of the Charter by the EU institutions;

Amendment

H. whereas **transparency is both a corollary** of the **right to good administration, as set out in Article 41, and** an essential precondition for citizens to be able to assess and properly monitor the implementation of the Charter by the EU institutions;

Or. pt

Amendment 23

Elmar Brok

Motion for a resolution

Recital I

Motion for a resolution

I. whereas the promotion of the broad spectrum of rights provided for in the Charter – ranging from civil and political to social, economic and **third-generation** rights – would constitute a crucial impetus to develop a European public sphere and to give tangible expression to the concept of European citizenship and to the EU participatory dimension enshrined in the Treaties;

Amendment

I. whereas the promotion **by the Union's institutions and bodies** of the broad spectrum of rights provided for in the Charter – ranging from civil and political to social, economic and **third-generation** rights – would constitute a crucial impetus to develop a European public sphere and to give tangible expression to the concept of European citizenship and to the EU participatory dimension enshrined in the Treaties;

Or. de

Amendment 24

Barbara Spinelli, Julie Ward

Motion for a resolution

Recital I a (new)

Motion for a resolution

I a. whereas the EU accession to the ECHR is an obligation deriving from article 6 TEU; whereas, following the opinion 2/13 of the European Court of Justice of 18 December 2014, the

Amendment

Commission should present a new draft agreement for the access of the Union to the ECHR by providing positive solutions to the objections raised by the ECJ;

Or. en

Amendment 25
Elmar Brok

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Recognises the several important steps made by the EU institutions to integrate the Charter into the EU legislative and decision-making processes; ***regrets, however, their passive attitude toward the Charter focused principally on avoiding the violation of its provisions rather than on actively promoting and ensuring the fulfilment of the rights and principles provided for therein;***

Amendment

1. Recognises the several important steps made by the EU institutions to integrate the Charter into the EU legislative and decision-making processes, ***and acknowledges the difficulties involved in actively promoting and ensuring the fulfilment of the rights and principles provided for therein;***

Or. de

Amendment 26
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Recognises the several important steps made by the EU institutions to integrate the Charter into the EU legislative and decision-making processes; ***regrets, however, their passive attitude toward the Charter focused principally on avoiding the violation of its provisions rather than on actively promoting and ensuring the fulfilment of the rights and principles provided for therein;***

Amendment

1. Recognises the several important steps made by the EU institutions to integrate the Charter into the EU legislative and decision-making processes; ***notes that the principal role of the Charter is to ensure that the EU's legislation is in full compliance with rights and principles enshrined in it;***

Amendment 27**Sylvia-Yvonne Kaufmann, Jo Leinen****Motion for a resolution****Paragraph 2***Motion for a resolution*

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, ***impact assessments*** and legal scrutiny with the full involvement of independent fundamental rights experts; ***calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;***

Amendment

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, and legal scrutiny with the full involvement of independent fundamental rights experts;

Amendment 28**Paulo Rangel****Motion for a resolution****Paragraph 2***Motion for a resolution*

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, impact assessments and legal scrutiny ***with the full involvement of independent fundamental rights experts;*** calls on the Commission to promote structured and regulated

Amendment

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, impact assessments and legal scrutiny; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil

cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, *whenever a legislative file potentially promotes or negatively affects fundamental rights*;

society organisations working in the field;

Or. pt

Amendment 29

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, impact assessments and legal scrutiny with the full involvement of independent fundamental rights experts; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

Amendment

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, impact assessments, *including specific gender impact assessments*, and legal scrutiny with the full involvement of independent fundamental rights experts; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA, *the EIGE* and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

Or. en

Amendment 30

Elmar Brok

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Recalls that the procedures
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Amendment

2. Recalls that the procedures

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established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the *need to provide for enhanced forms of consultation, impact assessments and legal scrutiny with the full involvement of independent fundamental rights experts*; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the *possibility of enhanced forms of consultation, with the involvement of independent experts in the field of fundamental rights*; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

Or. de

Amendment 31

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 2 a (new)

Motion for a resolution

Amendment

2 a. Calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

Or. en

Amendment 32

Elmar Brok

Motion for a resolution

Paragraph 3

Motion for a resolution

Amendment

3. Calls for the Commission, the Council and Parliament to revise Council

3. Calls for the Commission, the Council and Parliament to revise Council

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Regulation 168/2007 in order to allow the FRA to deliver non-binding opinions on draft EU legislation on its own initiative, **and to promote systematic consultations with the Agency through a revision of the Interinstitutional Agreement on Better Law-Making;**

Regulation 168/2007 in order to allow the FRA to deliver non-binding opinions on draft EU legislation on its own initiative;

Or. de

Amendment 33
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Calls for the Commission, the Council and Parliament to **revise** Council Regulation 168/2007 in order to allow the FRA to deliver non-binding opinions on draft EU legislation on its own initiative, and to promote systematic consultations with the Agency **through a revision of the Interinstitutional Agreement on Better Law-Making;**

Amendment

3. Calls for the Commission, the Council and Parliament to **reflect on a possibility of revising** Council Regulation 168/2007 in order to allow the FRA to deliver non-binding opinions on draft EU legislation on its own initiative, and to promote systematic consultations with the Agency;

Or. en

Amendment 34
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

3 a. Stresses the need for a close cooperation with the EIGE in its role of disseminating accurate methodological tools and with a view to the more effective implementation of gender mainstreaming in the legislative and decision-making processes of the European Union;

Amendment

Amendment 35

Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution

Paragraph 4

Motion for a resolution

Amendment

4. Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create a specific category entitled ‘Effects on fundamental rights’, to ensure that all aspects of fundamental rights are considered; *deleted*

Amendment 36

Sylvia-Yvonne Kaufmann

Motion for a resolution

Paragraph 4

Motion for a resolution

Amendment

4. Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create a specific category entitled ‘Effects on fundamental rights’, to ensure that all aspects of fundamental rights are considered; *deleted*

Amendment 37

Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create **a** specific **category** entitled ‘Effects on fundamental rights’, to ensure that all aspects of fundamental rights are considered;

Amendment

4. Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create **two** specific **categories** entitled ‘Effects on fundamental rights’ **and** ‘**Gender impact assessment**’, to ensure that all aspects of fundamental rights are considered;

Or. en

Amendment 38
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4 a. Calls on the Commission to ensure a comprehensive impact assessment; believes that there must be a balanced evaluation of economic, social and environmental consequences in particular, and that impact on the fundamental rights of citizens and equality between women and men must be assessed;

Or. en

Amendment 39
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Calls on the Commission ***to set up a mechanism to identify the need*** to take action at Union level in order to uphold and fulfil the provisions of the Charter, and, at the same time, to systematically ensure that Union law is adapted to take account of the legal and jurisprudential developments of international human rights law; ***reiterates its call on the Commission to submit a proposal giving effect to Parliament's resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights¹⁵*** ;

¹⁵ OJ C 215, 19.6.2018, p. 162.

Amendment

5. Calls on the Commission to take action at Union level in order to uphold and fulfil the provisions of the Charter, and, at the same time, to systematically ensure that Union law is adapted to take account of the legal and jurisprudential developments of international human rights law;

Or. en

Amendment 40

Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Calls on the Commission ***to set up a mechanism to identify the need*** to take action at Union level in order to uphold and fulfil the provisions of the Charter, and, ***at the same time, to systematically*** ensure that Union law ***is adapted to take*** account of the legal and jurisprudential developments of international human rights law; reiterates its call on the Commission to submit a proposal giving effect to Parliament's resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights¹⁵ ;

¹⁵ OJ C 215, 19.6.2018, p. 162.

Amendment

5. Calls on the Commission to take action at Union level in order to uphold and fulfil the provisions of the Charter, and ***to*** ensure that Union law ***takes*** account of the legal and jurisprudential developments of international human rights law; reiterates its call on the Commission to submit a proposal giving effect to Parliament's resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights¹⁵ ;

¹⁵ OJ C 215, 19.6.2018, p. 162.

Or. en

Amendment 41

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Reiterates its call on the Commission to submit a proposal giving effect to Parliament's resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights;

Or. en

Amendment 42

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 6

Motion for a resolution

Amendment

6. Calls for the Commission, the Council and Parliament to establish procedures allowing for a systematic ex post review of the consistency of EU legislation with the provisions of the Charter such as, for instance, the regular inclusion, in legislative texts, of a human rights/Charter-based reporting and review clause;

deleted

Or. en

Amendment 43

Sylvia-Yvonne Kaufmann

Motion for a resolution

Paragraph 7

Motion for a resolution

Amendment

7. Calls for *the EU legislators to endorse the outcomes of the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues¹⁶, and to guarantee the overall transparency of these negotiations*; urges the Council to swiftly address the concerns raised with regard to the transparency of its decision-making process and access to documents in line with the relevant recommendations of the European Ombudsman;

¹⁶ *Judgment of the General Court of 22 March 2018, Emilio de Capitani v European Parliament, T-540/15, ECLI:EU:T:2018:167.*

7. Calls for *respect of its right to democratic scrutiny based on the Treaties; insists on the necessity of enhancing transparency and access to documents between EU institutions, in order to develop more effective interinstitutional cooperation, including accountability on matters related to fundamental rights*; urges the Council to swiftly address the concerns raised with regard to the transparency of its decision-making process and access to documents in line with the relevant recommendations of the European Ombudsman;

Or. en

Amendment 44 **Elmar Brok**

Motion for a resolution **Paragraph 7**

Motion for a resolution

7. Calls for the EU legislators to *endorse* the outcomes of the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues¹⁶, *and to guarantee the overall transparency of these negotiations*; urges the Council to swiftly address the concerns raised with regard to the transparency of its decision-making process and access to documents in line with the relevant recommendations of the European Ombudsman;

¹⁶ Judgment of the General Court of 22 March 2018, Emilio de Capitani v European Parliament, T-540/15, ECLI:EU:T:2018:167.

Amendment

7. Calls for the EU legislators to *acknowledge and act on* the outcomes of the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues¹⁶; urges the Council to swiftly address the concerns raised with regard to the transparency of its decision-making process and access to documents in line with the relevant recommendations of the European Ombudsman;

¹⁶ Judgment of the General Court of 22 March 2018, Emilio de Capitani v European Parliament, T-540/15, ECLI:EU:T:2018:167.

Amendment 45

Elmar Brok

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Recalls that EU policy-making must rely upon the principles and objectives set out in Articles 2, 3 and 6 TEU, while fully endorsing and implementing the requirements enshrined in the provisions having general application of Title II, Part I, of the TFEU;

Amendment

8. Recalls that EU policy-making must rely upon the principles and objectives set out in Articles 2, 3, 4, 5 and 6 TEU, while fully endorsing and implementing the requirements enshrined in the provisions having general application of Title II, Part I, of the TFEU;

Or. de

Amendment 46

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Recalls that EU policy-making **must rely** upon the principles and objectives set out in Articles 2, 3 and 6 TEU, while fully endorsing and implementing the requirements enshrined in the provisions having general application of Title II, Part I, of the TFEU;

Amendment

8. Recalls that EU policy-making **relies** upon the principles and objectives set out in Articles 2, 3 and 6 TEU, while fully endorsing and implementing the requirements enshrined in the provisions having general application of Title II, Part I, of the TFEU;

Or. en

Amendment 47

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. *Recalls the obligation laid down in the Treaties to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); considers that its completion would introduce further safeguards in protecting fundamental rights of Union citizens and residents; asks to take the necessary steps to eventually eliminate the legal barriers that prevent the conclusion of the accession;*

Or. en

Amendment 48

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8 b (new)

Motion for a resolution

Amendment

8 b. *Regrets that gender mainstreaming is not consistently implemented in all EU activities which prevents the effective implementation of measures to combat gender discrimination and promote gender equality;*

Or. en

Amendment 49

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8 c (new)

Motion for a resolution

Amendment

8 c. *Stresses the need for an institutional cultural shift through a systematic and planned process for*

organisational learning within the institutions in order to achieve gender equality both internally and especially in regard to working results and outcomes;

Or. en

Amendment 50

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8 d (new)

Motion for a resolution

Amendment

8 d. Recalls that both the Treaties and the EU Charter of Fundamental Rights make reference to the protection of national minorities and discrimination practised on the grounds of language; calls for concrete administrative steps within the EU institutions to encourage national governments to find durable solutions and to promote the culture of linguistic diversity in their Member State, beyond the official EU languages;

Or. en

Amendment 51

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 9

Motion for a resolution

Amendment

9. Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU institutions – a process in which they are nevertheless involved – of

9. **Deems it crucial that the Union takes resolute steps to strengthen its own engagements in guaranteeing the enjoyment of the social rights of the Charter;** Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in

their obligations to assess the compatibility of such instruments with EU law, including the Charter;

this regard, that recourse to intergovernmental arrangements does not relieve the EU institutions – a process in which they are nevertheless involved – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Or. en

Amendment 52
Elmar Brok

Motion for a resolution
Paragraph 9

Motion for a resolution

9. ***Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard,*** that recourse to intergovernmental arrangements does not relieve the EU institutions – a process in which they are nevertheless involved – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Amendment

9. ***Stresses*** that recourse to intergovernmental arrangements does not relieve the EU institutions – a process in which they are nevertheless involved – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Or. de

Amendment 53
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 9

Motion for a resolution

9. ***Regrets the almost complete absence*** of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU ***institutions – a process***

Amendment

9. ***Stresses the importance*** of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU of their obligations to assess the compatibility

in which they are nevertheless involved – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

of such instruments with EU law, including the Charter;

Or. en

Amendment 54

Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU institutions – *a process in which they are nevertheless involved* – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Amendment

9. Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU institutions of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Or. en

Amendment 55

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 9 a (new)

Motion for a resolution

Amendment

9 a. Calls on the Commission to ensure that the European Semester process, including the country-specific recommendations and the annual growth survey recommendations, comply with the normative components of the social rights of the Charter;

Or. en

Amendment 56

Elmar Brok

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Calls on the Commission **and the Council to make macroeconomic decisions conditional on robust human rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments; calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;**

Amendment

10. Calls on the Commission **to look into what steps are needed for accession by the European Union to the revised European Social Charter and to propose a time frame for achieving that objective;**

Or. de

Amendment 57

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Calls on the Commission and the Council to make macroeconomic decisions conditional on **robust human** rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments; **calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;**

Amendment

10. Calls on the Commission and the Council to make macroeconomic decisions conditional on **fundamental** rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments;

Or. en

Amendment 58

Maite Pagazaurtundúa Ruiz, Charles Goerens

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Motion for a resolution
Paragraph 10

Motion for a resolution

10. Calls on the Commission and the Council to make macroeconomic decisions **conditional on** robust human rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments; calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;

Amendment

10. Calls on the Commission and the Council to make macroeconomic decisions **with regard to** robust human rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments; calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;

Or. en

Amendment 59

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

10 a. Calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;

Amendment

Or. en

Amendment 60

Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 11

Motion for a resolution

11. **Reiterates its call** for a social protocol to be incorporated into **the Treaties** in order to strengthen fundamental social rights in relation to economic freedoms, and to impart effectiveness and

Amendment

11. **Invites, in a wider context of possible Treaties revision, to reflect upon the possibility** for a social protocol to be incorporated into **them**, in order to strengthen fundamental social rights in

tangible expression to the social provisions enshrined in the Charter;

relation to economic freedoms, and to impart effectiveness and tangible expression to the social provisions enshrined in the Charter;

Or. en

Amendment 61
Elmar Brok

Motion for a resolution
Paragraph 11

Motion for a resolution

11. *Reiterates its call for a social protocol to be incorporated into the Treaties in order to strengthen fundamental social rights in relation to economic freedoms, and to impart effectiveness and tangible expression to the social provisions enshrined in the Charter;*

Amendment

11. *Stresses that, on the basis of the powers laid down in the Treaties, it is primarily the responsibility of the Member States to impart effectiveness and tangible expression to the social provisions enshrined in the Charter;*

Or. de

Amendment 62
Elmar Brok

Motion for a resolution
Paragraph 12

Motion for a resolution

12. *Expresses its deep concern for the de facto crucial, but ill-defined, role of the Eurogroup in the economic governance of the euro area, and for the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds the members of the Council of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;*

Amendment

deleted

Amendment 63
Fabio Massimo Castaldo

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Expresses its deep concern for the de facto crucial, but *ill-defined*, role of the Eurogroup in the economic governance of the euro area, and for the *impact* that its decisions *might have in influencing policy-making, without being* counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds the members of the Council of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Amendment

12. Expresses its deep concern for the de facto crucial, but *not formally recognised*, role of the Eurogroup in the economic governance of the euro area, and for the *influence* that its decisions, *which are not* counterbalanced by appropriate mechanisms of democratic accountability and judicial control, *have on Union policy-making, as well as on the economic policies of Member States in the euro area*; reminds the members of the Council of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Or. it

Amendment 64
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 12

Motion for a resolution

12. *Expresses its deep concern for the de facto* crucial, *but ill-defined*, role of the Eurogroup in the economic governance of the euro area, and *for* the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds *the* members *of the Council* of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Amendment

12. *Notes the* crucial role of the Eurogroup in the economic governance of the euro area, and the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds *its* members of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Amendment 65

Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Expresses its deep concern for the de facto crucial, **but ill-defined**, role of the Eurogroup in the economic governance of the euro area, and for the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds the members of the Council of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Amendment

12. Expresses its deep concern for the de facto crucial **but informal** role of the Eurogroup in the economic governance of the euro area, and for the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds the members of the Council of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Or. en

Amendment 66

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12 a. Stresses that the notion of "exceptional circumstances", which is included in the TSCG allowing for a deviation from the medium-term objective or the adjustment path announced, should not be interpreted in a way where Members States are allowed not to comply with their obligations under the social provisions of the Charter;

Or. en

Amendment 67
Fabio Massimo Castaldo

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Condemns the violations of fundamental rights, and thus of the Charter, in Greece, as a result of the guidance given to it under the European economic governance system, based on the austerity paradigm;

Or. it

Amendment 68
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 13

Motion for a resolution

Amendment

13. Recalls that the Union's action on the international scene must be guided by the principles enshrined in Article 21(1) TEU; is convinced that full respect for and promotion of the Charter's provisions ***in the Union's internal sphere*** represents a benchmark for assessing the legitimacy and credibility of the Union's behaviour in its international relations, including within the framework of the enlargement process pursuant to Article 49 TEU;

13. Recalls that the Union's action on the international scene must be guided by the principles enshrined in Article 21(1) TEU; is convinced that full respect for and promotion of the Charter's provisions ***inside the EU*** represents a benchmark for assessing the legitimacy and credibility of the Union's behaviour in its international relations, including within the framework of the enlargement process pursuant to Article 49 TEU;

Or. en

Amendment 69
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 14

Motion for a resolution

Amendment

14. *Deplores* the limited jurisdiction of the CJEU in the field of Common Foreign and Security Policy (CFSP), and warns against any potential limitation of the rights to an effective remedy as enshrined in the Charter *and in the ECHR*;

14. *Notes* the limited jurisdiction of the CJEU in the field of Common Foreign and Security Policy (CFSP), and warns against any potential limitation of the rights to an effective remedy as enshrined in the Charter;

Or. en

Amendment 70
Elmar Brok

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. Points out that comprehensive trade agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to go beyond the usual ‘integrated approach’ followed in its impact assessments, and to carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, by taking full advantage of the UN Guiding Principles on human rights impact assessments of trade and investment agreements;

deleted

Or. de

Amendment 71
Barbara Spinelli, Julie Ward

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. Points out that comprehensive trade agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to go beyond the usual ‘integrated approach’ followed in its impact assessments, and to

15. Points out that comprehensive trade *agreements, free trade agreements and investment protection* agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to go beyond

carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, by taking full advantage of the UN Guiding Principles on human rights impact assessments of trade and investment agreements;

the usual ‘integrated approach’ followed in its impact assessments, and to carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, by taking full advantage of the UN Guiding Principles on human rights impact assessments of trade and investment agreements; ***asks the Commission to enrich its trade and investment agreements by requiring the parties as well as companies and investors to respect international human rights standards and obligations, in addition to those arising from domestic laws; asks the Commission to provide for an independent monitoring and complaint mechanism that can be seized by affected populations and that has the authority to make rulings with regard to the negative impact that trade and investments agreements may have on human rights; calls furthermore on the Commission to regularly include, in international agreements, human rights-based reporting and review clauses;***

Or. en

Amendment 72
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Points out that comprehensive trade agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to ***go beyond the usual ‘integrated approach’ followed in its impact assessments, and to*** carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, ***by taking full advantage of*** the UN Guiding Principles on human rights impact assessments of trade and investment agreements;

Amendment

15. Points out that comprehensive trade agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, taking ***into consideration*** the UN Guiding Principles on human rights impact assessments of trade and investment agreements;

Amendment 73
Barbara Spinelli, Julie Ward

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15 a. Recalls that the conclusion by the EU, or by its Member States with the formal endorsement of the EU institutions, of agreements of political nature with third countries - such as the so-called 'EU-Turkey Statement' of 18 March 2016, the 'EU-Afghanistan Joint Way Forward' of 2 October 2016 or 'The Italy-Libya Memorandum of Understanding' of 2 February 2017 - must be guided by those same principles and standards which are intended to inform all of the decisions of the EU institutions and that such political nature does not absolve them of the responsibility to ensure that all their actions are in compliance with the EU's fundamental rights commitments; calls, therefore, on the Commission and the Member States to fully comply with their obligations deriving from the Charter and from the international human rights law when implementing those instruments and to carry out ex-ante and ex-post regular assessments of their impact on human rights and fundamental freedoms; at the same time, calls on the European Council, the Commission and the Member States to refrain from further adopting or endorsing agreements of such kind as a way to circumvent their Charter's obligations and the checks and balances built into the EU legal framework;

Or. en

Amendment 74

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Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15 a. Calls for a speedy accession of the EU to the European Convention of Human Rights; reaffirms that EU accession to the ECHR will constitute the minimum level of protection for human rights and fundamental freedoms in Europe and provide an additional mechanism for enforcing human rights, namely the possibility of lodging a complaint with the ECtHR in relation to a violation of human rights derived from an act by an EU institution or a Member State implementing EU law, falling within the remit of the ECHR; and that ECtHR case law will thus provide extra input for current and future EU action on the respect for, and promotion of, fundamental freedoms in the areas of civil liberties, justice and home affairs, in addition to the case law of the Court of Justice in this field;

Or. en

Amendment 75
Barbara Spinelli, Julie Ward

Motion for a resolution
Paragraph 15 b (new)

Motion for a resolution

Amendment

15 b. Underlines the close relationship between the provisions of the Charter, those of the EU Treaties and the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, as laid down in article 18 of the Charter itself; stresses that the setting-up and development of the EU migration policy, pursuant to articles 67 and 80 TFEU,

shall be rooted on that strict correlation, while upholding the principle of solidarity and fair sharing of responsibility among Member States; calls, furthermore, on the Council, Commission and the Member States to refrain from concluding migration-related agreements with third countries, while suspending the ones already in place, which do not guarantee the full respect, protection and promotion of the provisions enshrined in the relevant European and international human rights law instruments;

Or. en

Amendment 76

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Highlights the potential of EU agencies to offer support to Member States in fulfilling their obligations deriving from the Charter, by frequently acting as an operational link between the EU and national spheres; points out that this task can only be effectively performed by developing a fully-fledged **human rights praxis** within the agencies **themselves, taking into account both the internal and external dimensions of the protection and promotion of fundamental rights;**

Amendment

16. Highlights the potential of **certain** EU agencies to offer support to Member States in fulfilling their obligations deriving from the Charter, by frequently acting as an operational link between the EU and national spheres; points out that this task can only be effectively performed by developing a fully-fledged **fundamental rights practice** within the agencies **operating in the sphere of justice and home affairs or those specifically tasked with promoting and protecting rights and principles derived from the Charter;**

Or. en

Amendment 77

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Takes note of the **differentiated range of** policies and instruments developed by the various agencies to give effect to their **human** rights' obligations, resulting in varying degrees of implementation; stresses the need to promote EU intra-agency cooperation as well as structured dialogues **with relevant national stakeholders and independent human rights experts**, and to build on existing best practices, in order to advance a common and strengthened **human** rights framework;

Amendment

17. Takes note of the **different** policies and instruments developed by the various agencies to give effect to their **fundamental** rights' obligations, resulting in varying degrees of implementation; stresses the need to promote EU intra-agency cooperation as well as structured dialogues, and to build on existing best practices, in order to advance a common and strengthened **fundamental** rights framework;

Or. en

Amendment 78
Elmar Brok

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Takes note of the differentiated range of policies and instruments developed by the various agencies to give effect to their human rights' obligations, resulting in varying degrees of implementation; stresses **the need** to promote EU intra-agency cooperation as well as structured dialogues with relevant national stakeholders and independent human rights experts, and **to build on** existing best practices, in order to advance a common and strengthened human rights framework;

Amendment

17. Takes note of the differentiated range of policies and instruments developed by the various agencies to give effect to their human rights' obligations, resulting in varying degrees of implementation; stresses **that it makes sense** to promote EU intra-agency cooperation, as well as structured dialogues with relevant national stakeholders and independent human rights experts, and **that** existing best practices **must be built on** in order to advance a common and strengthened human rights framework;

Or. de

Amendment 79
Elmar Brok

Motion for a resolution
Paragraph 18

Motion for a resolution

Amendment

18. Calls on the EU agencies to adopt internal human rights strategies and to promote regular fundamental rights/Charter training sessions for their staff at all levels;

deleted

Or. de

Amendment 80

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 18

Motion for a resolution

Amendment

18. Calls on the EU agencies to adopt internal **human** rights strategies and to promote regular fundamental **rights/Charter** training sessions for their staff **at all levels**;

18. Calls on the EU agencies **operating in the sphere of justice and home affairs or those specifically tasked with promoting and protecting rights and principles derived from the Charter** to adopt internal **fundamental** rights strategies and to promote regular fundamental **rights and Charter** training sessions for their staff;

Or. en

Amendment 81

Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution

Paragraph 19

Motion for a resolution

Amendment

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to **urgently fill this gap, and to** provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms **such as, for**

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms;

instance, the establishment of internal fundamental rights officers;

Or. en

Amendment 82
Barbara Spinelli, Julie Ward

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to urgently fill this gap, and to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers;

Amendment

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to urgently fill this gap, and to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers *and of independent complaint mechanisms;*

Or. en

Amendment 83
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to **urgently** fill this gap, and to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers;

Amendment

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to, **where necessary**, fill this gap **in possible future revisions**, and to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers;

Or. en

Amendment 84
Elmar Brok

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to **urgently** fill this gap, and to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers;

Amendment

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to fill this gap, and to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers;

Or. de

Amendment 85
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20 a. Points out that the loopholes in transposition and proper implementation of EU law in Member States can have actual impacts in the enjoyment of EU Fundamental Rights; recalls in this sense the role of the Commission as guardian of the Treaties, thus as ultimate -if not primary-responsible of safeguarding Fundamental Rights, when needed through infringement procedures; calls in this regard for a more determined leadership in ensuring an adequate implementation of EU legislation;

Or. en

Amendment 86
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 20 b (new)

Motion for a resolution

Amendment

20 b. Points out to the link between the Charter and the Copenhagen Criteria for accession of third countries to the Union, in terms of guaranteeing Fundamental Rights; suggests that these conditions within the Copenhagen Criteria are not simply used once as accession preconditions, but that also Member States are periodically assessed against those in order to ensure the maintenance of the democratic quality of the Union over time;

Or. en

Amendment 87
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Highlights the persistent awareness-gap concerning the Charter, its scope and degree of application among both **rights-holders** and legal and human rights experts, and deplores the scarcity of national action devoted to remedying such a deficiency;

21. Highlights the persistent awareness-gap concerning the Charter, its scope and degree of application among both **those who benefit from its protection** and legal and human rights experts, and deplores the scarcity of national action devoted to remedying such a deficiency;

Or. en

Amendment 88
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Commission to strengthen its awareness-raising activities concerning the Charter, with the full involvement of civil society organisations, and to promote and fund Charter-targeted training modules *for* national judges, legal practitioners as well as civil servants *at all levels of the national public administrations*; calls on the Commission, furthermore, to equip the Member States with practical guidelines supporting them in the implementation of the Charter at national level; *asks the Commission, in this context, to give full visibility to the FRA's recently published Handbook on Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level*;

Amendment

22. Calls on the Commission to strengthen its awareness-raising activities concerning the Charter, with the full involvement of civil society organisations, and to promote and fund Charter-targeted training modules *aiming to improve the knowledge of Union policies and Union law including inter alia substantive and procedural law, the use of EU judicial cooperation instruments, the relevant case-law of the Court of Justice of the European Union, legal language and of comparative law among* national judges, legal practitioners as well as civil servants; calls on the Commission, furthermore, to equip the Member States with practical guidelines supporting them in the implementation of the Charter at national level;

Or. en

Amendment 89

Sylvia-Yvonne Kaufmann, Jo Leinen

**Motion for a resolution
Paragraph 23**

Motion for a resolution

23. Encourages the Member States to regularly exchange information and experience on the use, application and oversight of the Charter, and to mainstream the examples of best practice already developed at national level, *such as, for instance, those presented in the report of the Dutch Presidency on the outcome of the seminar on the 'National Policy application of the EU Charter of fundamental rights'*;

Amendment

23. Encourages the Member States to regularly exchange information and experience on the use, application and oversight of the Charter, and to mainstream the examples of best practice already developed at national level;

Or. en

Amendment 90

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

Motion for a resolution

Paragraph 23 a (new)

Motion for a resolution

Amendment

23 a. Calls on the Commission, to give full visibility to the FRA's recently published Handbook on Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level;

Or. en

Amendment 91

Sylvia-Yvonne Kaufmann

Motion for a resolution

Paragraph 24

Motion for a resolution

Amendment

24. Is convinced that the current dualism characterising Article 51 of the Charter in relation to rights and principles, as well as the differences in the application of the provisions of the Charter between EU institutions, bodies, offices and agencies of the Union and the Member States, is detrimental to the added value brought by the Charter, namely that of representing a set of common minimum standards of protection to be applied horizontally to all institutional actors and policies and activities connected to the EU sphere;

deleted

Or. en

Amendment 92

Paulo Rangel

Motion for a resolution

Paragraph 24

Motion for a resolution

24. Is convinced that the ***current dualism characterising Article 51*** of the Charter ***in relation to rights and principles, as well as the differences in the application of the provisions of the Charter between EU institutions, bodies, offices and agencies of the Union and the Member States, is detrimental to the added value brought by the Charter, namely that of representing a set of common minimum standards of protection to be applied horizontally to all institutional actors and policies and activities connected to the EU sphere;***

Amendment

24. Is convinced that the ***added value*** of the Charter ***lies both in respect for a body of rights and in observance and advocacy of the principles which the Charter has established; considers that the obligations laid down in Article 51 make for the widest ranging protection of fundamental rights in the Union and in Member States, enabling them to be applied more readily and effectively to the circumstances at every point in time;***

Or. pt

Amendment 93
Elmar Brok

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Is convinced that the ***current dualism characterising Article 51 of the Charter in relation to rights and principles, as well as the differences in the application of the provisions of the Charter between EU institutions, bodies, offices and agencies of the Union and the Member States, is detrimental to the added value brought by the Charter, namely that of representing a set of common minimum standards of protection to be applied horizontally to all institutional actors and policies and activities connected to the EU sphere;***

Amendment

24. Is convinced that the differences in the application of the provisions of the Charter between EU institutions, bodies, offices and agencies of the Union and the Member States ***are*** detrimental to the added value brought by the Charter, namely that of representing a set of common minimum standards of protection to be applied horizontally to all institutional actors and policies and activities connected to the EU sphere;

Or. de

Amendment 94
Sylvia-Yvonne Kaufmann, Jo Leinen

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Motion for a resolution
Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. Stresses that the incorporation of the Charter into primary EU law, while not extending the Union's competences and respecting the principle of subsidiarity as defined in its Article 51, creates new responsibilities for the decision-making and implementing institutions, as well as for Member States when implementing EU legislation at national level, and that the Charter's provisions have thus become directly enforceable by European and national courts;

Or. en

Amendment 95
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. Urges to conclude the adoption of the horizontal EU Anti-discrimination Directive^{1a}, in order to further guarantee further fundamental rights concretely within the Union by means of adoption of concrete EU legislation, and therefore avoiding the current interference of Article 51;

^{1a} 2008/0140(CNS) Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

Or. en

Amendment 96
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 25

Motion for a resolution

Amendment

25. Encourages the EU institutions and the Member States to move toward a more flexible and unconstrained interpretation of Article 51 of the Charter, allowing for a straightforward application of the Charter as a whole, and to evaluate the possibility of repealing the article in the event of a possible future revision of the Treaties;

deleted

Or. en

Amendment 97
Elmar Brok

Motion for a resolution
Paragraph 25

Motion for a resolution

Amendment

25. Encourages the EU institutions and the Member States to *move toward a* more flexible and *unconstrained interpretation of Article 51 of the Charter, allowing for a* straightforward application of the Charter as a whole, *and to evaluate the possibility of repealing the article in the event of a possible future revision of the Treaties;*

25. Encourages the EU institutions and the Member States to *allow for* more flexible and straightforward application of the Charter as a whole;

Or. de

Amendment 98
Paulo Rangel

Motion for a resolution
Paragraph 25

Motion for a resolution

25. Encourages the EU institutions and the Member States to move toward a more flexible and unconstrained interpretation of Article 51 of the Charter, allowing for a straightforward application of the Charter as a whole, ***and to evaluate the possibility of repealing the article in the event of a possible future revision of the Treaties;***

Amendment

25. Encourages the EU institutions and the Member States to move toward a more flexible and unconstrained interpretation of Article 51 of the Charter, allowing for a straightforward application of the Charter as a whole;

Or. pt

Amendment 99

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 25 a (new)

Motion for a resolution

Amendment

25 a. Encourages the Member States to review their procedural rules on legal scrutiny and impact assessments of bills from the perspective of the Charter of Fundamental Rights; such procedures should explicitly refer to the Charter, just like they do to national human rights instruments, to minimise the risk that the Charter is overlooked;

Or. en

Amendment 100

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

Motion for a resolution

Paragraph 25 b (new)

Motion for a resolution

Amendment

25 b. Regrets that up to date, the Republic of Poland and the United Kingdom have not decided to withdraw from Protocol 7 of the Treaties, ensuring their opt-out from the Charter.

