



2019/2199(INI)

27.2.2020

AMENDMENTS

1 - 37

Draft opinion

Antonio Tajani

(PE647.015v01-00)

Situation of Fundamental Rights in the European Union - Annual Report for
the years 2018-2019
(2019/2199(INI))

Amendment 1
Markéta Gregorová
on behalf of the Greens/EFA Group

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. Recalls that ‘human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities’ are the values on which the EU is founded, as stated in Article 2 TEU; stresses that there is no hierarchy amongst Union values and that the EU should ensure the protection of all of them as one cannot exist without the other;

Or. en

Amendment 2
Markéta Gregorová
on behalf of the Greens/EFA Group

Draft opinion
Paragraph -1 a (new)

Draft opinion

Amendment

-1a. Believes that the conclusions and opinions of the European Union Agency for Fundamental Rights as well as the case law of the Court of Justice of the European Union constitute a good basis for the interpretation of Article 2 TFEU and the scope of the rights enshrined in the Charter of Fundamental Rights;

Or. en

Amendment 3
Loránt Vincze

Draft opinion
Paragraph 1

Draft opinion

1. Highlights that Article 51(1) of the Charter of Fundamental Rights states that the Member States must ‘respect the rights, observe the principles and promote the application thereof’; regrets that, according to the European Union Agency for Fundamental Rights (FRA), some Member States do not appear to be making sufficient efforts to promote awareness, or the implementation, of Charter provisions;

Amendment

1. Highlights that Article 51(1) of the Charter of Fundamental Rights states that the Member States must ‘respect the rights, observe the principles and promote the application thereof’; regrets that, according to the European Union Agency for Fundamental Rights (FRA), some Member States do not appear to be making sufficient efforts to promote awareness, or the implementation, of Charter provisions; ***underlines that a better promotion of the Charter is needed in order to render its provisions more effective and possibly to encourage its use by national legislators and judges as a positive source of interpretation even in cases that do not necessarily fall within the scope of EU law;***

Or. en

Amendment 4
Maria Grapini

Draft opinion
Paragraph 1

Draft opinion

1. Highlights that Article 51(1) of the Charter of Fundamental Rights states that the Member States must ‘respect the rights, observe the principles and promote the application thereof’; ***regrets that, according to the European Union Agency for Fundamental Rights (FRA), some Member States do not appear to be making sufficient efforts to promote awareness, or the implementation, of Charter provisions;***

Amendment

1. Highlights that Article 51(1) of the Charter of Fundamental Rights states that the Member States must ‘respect the rights, observe the principles and promote the application thereof’; ***notes that not all Member States appear to be making the same effort to promote awareness, or the implementation, of Charter provisions;***

Or. ro

Amendment 5
Maria Grapini

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Points out that the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights; stresses the importance of ensuring, consolidating and promoting full respect for these values at Union and Member State level; recalls that human rights are universal and indivisible;

Or. ro

Amendment 6
Maria Grapini

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Stresses the importance of ensuring full compliance with the Charter of Fundamental Rights throughout the legislative process; recalls that the effective and detailed implementation of EU law is essential to safeguarding EU values, on which the credibility of the EU as a whole depends; points out that national governments will also have to heighten public awareness to ensure that EU citizens are fully aware of their rights and know how to act if they are infringed;

Or. ro

Amendment 7
Antonio Tajani

Draft opinion
Paragraph 2 – point a (new)

Draft opinion

Amendment

(a) Considers that there is a need for greater exchange of information on experiences and approaches to the use of the Charter between judges, lawyers' associations and public administrations within the Member States, but also beyond national borders, including through the use, where appropriate, of existing funding instruments, such as those provided for in the Justice Programme, and also a need to arrange targeted training programmes for legal practitioners;

Or. it

Amendment 8
Maria Grapini

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Believes that the conclusions and opinions of the European Union Agency for Fundamental Rights and the case law established by the Court of Justice of the European Union constitute a good basis for the interpretation of Article 2 TFEU and the scope of the rights enshrined in the Charter of Fundamental Rights;

Or. ro

Amendment 9
Charles Goerens, Pascal Durand, Maite Pagazaurtundúa, Gilles Boyer

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Suggests to amend the tasks of the European Agency for Fundamental Rights to allow it to alert the Court of Justice to the European Union in case Member States do not adhere to the Charter of Fundamental Rights of the European Union or the European Convention on Human Rights and Fundamental Freedoms;

Or. en

Amendment 10
Markéta Gregorová
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Highlights the importance of ensuring full respect for the Charter of Fundamental Rights throughout the whole legislative process; draws attention to the importance of including an analysis on the impact on fundamental rights in impact assessments;

Or. en

Amendment 11
Maria Grapini

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Calls for the European Union Agency for Fundamental Rights to be mandated to present a biannual report on measures to ensure respect for the fundamental rights of European Union citizens where these have been infringed, as provided for in Charter of Fundamental Rights; calls for the EU Agency for Fundamental Rights to highlight the absence in certain countries of national policies to promote and raise awareness of the Charter;

Or. ro

Amendment 12
Markéta Gregorová
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Stresses that implementation of specific gender impact assessments for each legislative proposal is essential to eliminate inequalities, and to promote gender equality as laid down in Article 8 TFEU;

Or. en

Amendment 13
Antonio Tajani

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Strongly supports a swift resumption of the negotiations on the accession of the European Union to the European Convention on Human Rights,

3. Strongly supports a swift resumption of the negotiations on the accession of the European Union to the European Convention on Human Rights,

further to Opinion 2/13 of the Court of Justice of the European Union of 18 December 2014¹; reiterates the importance of speeding up the accession process, so as to strengthen fundamental rights protection in the Union and reinforce its position in discussions on the rule of law, and of keeping Parliament constantly informed in accordance with Article 218(10) TFEU;

¹ ECLI:EU:C:2014:2454

further to Opinion 2/13 of the Court of Justice of the European Union of 18 December 2014¹; reiterates the importance of speeding up the accession process, so as to strengthen fundamental rights protection in the Union and reinforce its position in discussions on the rule of law, and of keeping Parliament constantly informed in accordance with Article 218(10) TFEU; ***welcomes the fact that, in the next few months, two sessions of negotiations have already been scheduled with the Council of Europe^{1a} and calls on the Commission to appear before the appropriate European Parliament committees at key political times in the negotiations;***

¹ ECLI:EU:C:2014:2454

1^a Letter of 11 February 2020 from Commissioner Jourová

Or. it

Amendment 14 **László Trócsányi**

Draft opinion **Paragraph 3**

Draft opinion

3. Strongly supports a swift resumption of the negotiations on the accession of the European Union to the European Convention on Human Rights, further to Opinion 2/13 of the Court of Justice of the European Union of 18 December 2014¹ ; reiterates the importance of speeding up the accession process, so as to strengthen fundamental rights protection in the Union and reinforce its position in discussions on the rule of law, and of keeping Parliament constantly informed in accordance with Article 218(10) TFEU;

Amendment

3. Strongly supports a swift resumption of the negotiations on the accession of the European Union to the European Convention on Human Rights, further to Opinion 2/13 of the Court of Justice of the European Union of 18 December 2014¹ ***and with regards to the respect and preservation of the autonomy of the EU legal order***; reiterates the importance of speeding up the accession process, so as to strengthen fundamental rights protection in the Union and reinforce its position in discussions on the rule of law, and of keeping Parliament constantly

informed in accordance with Article
218(10) TFEU;

¹ ECLI:EU:C:2014:2454

¹ ECLI:EU:C:2014:2454

Or. en

Amendment 15
Markéta Gregorová
on behalf of the Greens/EFA Group

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Stresses that there are other international instruments that would introduce further safeguards in protecting fundamental rights of Union citizens and residents such as the Istanbul Convention and the European Social Charter; urges the Council to conclude the ratification by the EU of the Istanbul Convention and calls on the Commission to take the steps required for the EU accession to the European Social Charter;

Or. en

Amendment 16
Maria Grapini

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Reiterates the importance of strengthening human rights and the rights of the child in each Member State, which must be made accountable for any infringements thereof detected in its territory;

Amendment 17
Markéta Gregorová
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. *Notes that Article 7 TEU is a last resort mechanism for the protection of Union values that has not been used effectively because of the difficulty to reach a decision with such high thresholds for voting and in a body where political considerations play a prominent role;*

Or. en

Amendment 18
Markéta Gregorová
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 3 c (new)

Draft opinion

Amendment

3c. *Calls for the adoption of a EU mechanism on democracy, the rule of law and fundamental rights based on its previous resolutions^{1a}, which does not create a hierarchy of values and ensures that not only the rule of law, but also other Union values, including a wider spectrum of fundamental rights, are properly assessed;*

^{1a} *European Parliament resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule*

*of law and fundamental rights,
P8_TA(2016)0409; European Parliament
resolution of 14 November 2018 on the
need for a comprehensive EU mechanism
for the protection of democracy, the rule
of law and fundamental rights,
P8_TA(2018)0456.*

Or. en

Amendment 19
Loránt Vincze

Draft opinion
Paragraph 4

Draft opinion

4. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal protection² ; recommends a departure from the existing approach of tackling rule of law cases in individual countries in an ad hoc manner, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner;

² Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.

Amendment

4. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal protection² ; recommends a departure from the existing approach of tackling rule of law cases in individual countries in an ad hoc manner, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner; ***considers that it would be desirable to arrive to a shared culture of the rule of law in the 27 Member States and in the Union institutions through the use of common definitions, standards and benchmarks; points out that the principle of rule of law applies not only to the quality of legislative processes, but also to the de-facto and non-discriminatory application of already existing legislation.***

² Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.

Or. en

Amendment 20
Antonio Tajani

Draft opinion
Paragraph 4

Draft opinion

4. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal protection²; recommends a departure from the existing approach of tackling rule of law cases in individual countries in an ad hoc manner, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner;

² Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.

Amendment

4. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal protection²; recommends a departure from the existing approach of tackling rule of law cases in individual countries in an ad hoc manner, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner; ***considers that regular evaluations of this type would be useful, inter alia in the light of the proposal for a regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law^{2a}; calls on the Member States always to be ready to defend the rule of law;***

² Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.

^{2a} ***COM(2018)0324 - 2018/0136(COD).***

Or. it

Amendment 21
Markéta Gregorová
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 4

Draft opinion

4. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal

Amendment

4. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal

protection² ; recommends a departure from the existing approach of tackling rule of law cases in individual countries in an ad hoc manner, and calls for the development of criteria and *contextual* assessments *to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner*;

² Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.

protection² ; recommends a departure from the existing approach of tackling *democratic deficits*, rule of law *deficiencies or cases of violation of fundamental rights* in individual countries in an ad hoc manner, and calls for the development of criteria and *regular* assessments *by independent experts as part of the new EU mechanism on democracy, the rule of law and fundamental rights, that would allow the Commission to decide on the necessity of launching infringement procedures on a more coherent basis*;

² Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.

Or. en

Amendment 22 Maria Grapini

Draft opinion Paragraph 4

Draft opinion

4. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal protection²; recommends a *departure from the existing approach of tackling* rule of law cases in individual countries *in an ad hoc manner*, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner;

² Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.

Amendment

4. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective² legal protection²; recommends a *change in the existing ad hoc approach to* rule of law cases in individual countries, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner; *recommends that the concept of 'rule of law' be defined and a way found of verifying the proper functioning thereof*;

² Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.

Amendment 23
Antonio Tajani

Draft opinion
Paragraph 5

Draft opinion

5. Reiterates that within the upcoming Conference on the Future of Europe pre-defined but non-exhaustive policy priorities could be identified, such as European values, fundamental rights and freedoms³;

³ European Parliament resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe. Texts adopted, P9_TA(2020)0010, para. 7.

Amendment

5. Reiterates that within the upcoming Conference on the Future of Europe pre-defined but non-exhaustive policy priorities could be identified, such as European values, fundamental rights and freedoms³; **welcomes the fact that the protection of European values and, in particular, the fundamental rights and freedoms of EU citizens, is among the six political priorities of the European Commission and in the Strategic Agenda of the European Council for 2019-2024;**

³ European Parliament resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe. Texts adopted, P9_TA(2020)0010, para. 7.

Amendment 24
Markéta Gregorová
 on behalf of the Greens/EFA Group

Draft opinion
Paragraph 5

Draft opinion

5. Reiterates that within the upcoming Conference on the Future of Europe **pre-defined but non-exhaustive policy priorities could be identified, such as** European values, fundamental rights and

Amendment

5. Reiterates that within the upcoming Conference on the Future of Europe **the adoption of new mechanisms for the protection of** European values, **including** fundamental rights and freedoms, **should**

freedoms³ ;

³ European Parliament resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe. Texts adopted, P9_TA(2020)0010, para. 7.

*be a priority*³ ;

³ European Parliament resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe. Texts adopted, P9_TA(2020)0010, para. 7.

Or. en

Amendment 25
Leila Chaibi, Nikolaj Villumsen

Draft opinion
Paragraph 5

Draft opinion

5. Reiterates that within the upcoming Conference on the Future of Europe *pre-defined but non-exhaustive policy priorities could be identified, such as European values, fundamental rights and freedoms*³;

³ European Parliament resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe. Texts adopted, P9_TA(2020)0010, para. 7.

Amendment

5. Reiterates that, within the upcoming Conference on the Future of Europe, *European values or fundamental rights and freedoms*³ *will undoubtedly be a topic for debate close to the hearts of citizens*;

³ European Parliament resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe. Texts adopted, P9_TA(2020)0010, para. 7.

Or. fr

Amendment 26
Leila Chaibi, Nikolaj Villumsen

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Recalls that Article 12 of the Charter of Fundamental Rights of the

European Union and Article 11 of the European Convention on Human Rights provide that everyone has the right to freedom of peaceful assembly; stresses that police violence constitutes serious intimidation, jeopardising respect for this right; condemns the disproportionate use of force by police forces at peaceful demonstrations throughout the Union; encourages the relevant national authorities to ensure transparent, impartial, independent and effective investigations when the use of disproportionate force is suspected or has been alleged; recalls that law enforcement agencies must always be held accountable for the fulfilment of their duties and their compliance with the relevant legal and operational frameworks;

Or. fr

Amendment 27
Maria Grapini

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. *Reiterates the need for measures to ensure that the voice of EU citizens is taken into account in deciding the future of Europe and for genuine open, inclusive and democratic consultation reaching out to all citizens in all regions and cities of the Union; points out that the EU must continue, after the Conference, to engage directly with its citizens in order to establish a permanent dialogue mechanism.*

Or. ro

Amendment 28

Charles Goerens, Pascal Durand, Maite Pagazaurtundúa

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Suggests that the Conference on the Future of Europe should consider providing the Court of Justice of the European Union with jurisdiction over all aspects of EU law, in accordance with the principle of separation of powers; points out that extending the jurisdiction of the Court would also facilitate the accession of the EU to the Convention for the Protection of Human Rights and Fundamental Freedoms;

Or. en

Amendment 29
Markéta Gregorová
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Stresses that the EU must exploit more systematically the specific clauses provided for in the Treaties which would reinforce the protection of fundamental rights; in that regard calls on to activate the provisions enshrined in Article 83(1) of the TFEU as soon as possible in order to include gender-based violence in the catalogue of EU-recognised crimes;

Or. en

Amendment 30
Antonio Tajani

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Welcomes the fact that the Commission has announced a new Strategy for the implementation of the Charter of Fundamental Rights in its 2020 Work Programme; expects it to focus on raising awareness at national level;

Or. it

Amendment 31
Charles Goerens, Pascal Durand, Maite Pagazaurtundúa, Gilles Boyer

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Stresses the importance of ensuring, in all Member States, effective and coherent protection of the rule of law and prevention of infringements of fundamental rights, and acknowledges that the rule of law plays a key role in preventing infringements of fundamental rights; recalls that fundamental rights are part and parcel of the EU's values and that Article 7 of the TEU contains a mechanism for responding to any serious, persistent breach or clear risk of a serious breach by a Member State of the values referred to in Article 2 of the TEU, and highlights that Article 7 should be applied uniformly to all Member States to ensure equality of treatment;

Or. en

Amendment 32
Leila Chaibi, Nikolaj Villumsen, João Ferreira

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Urges that the use of certain types of lethal weapons and other devices for the maintenance of law and order, such as paralysing CS gas grenades or LBD 40 launchers, be banned in line with the observations of the Council of Europe and this Parliament; calls for a total ban on restraining techniques designed to inhibit breathing; calls on the Member States to refrain from adopting restrictive laws on freedom of assembly;

Or. fr

Amendment 33
Markéta Gregorová
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Urges the EU to reform its Treaties to allow judicial reviews of fundamental rights by the Court of Justice of the European Union by making the Charter of Fundamental Rights directly applicable in all areas and all Member states; asks to allow individuals to initiate proceedings against a Member State for violations of fundamental rights if domestic remedies have been exhausted;

Or. en

Amendment 34
Charles Goerens, Pascal Durand, Maite Pagazaurtundúa, Gilles Boyer

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Recalls however, that the major obstacle in applying Article 7(2) of the TEU, in case of the existence of a serious and persistent breach of the fundamental values of the European Union in a Member State in accordance with Article 7(2) of the TEU, is the requirement of unanimity in Council;

Or. en

Amendment 35
Charles Goerens, Pascal Durand, Maite Pagazaurtundúa, Gilles Boyer

Draft opinion
Paragraph 5 d (new)

Draft opinion

Amendment

5d. Proposes that the Conference of Europe reviews the sanctions mechanisms provided by Article 7(3) of the TEU in order to better guarantee the protection of rule of law and of fundamental rights; recalls that the proposal for a regulation on the protection of the Union's budget in case of generalised deficiencies as regards to the rule of law in the Member States¹ would allow introducing sanctions aimed at Member States whose disregard of the rule of law endangers the sound implementation of the EU budget and the financial interests of the EU; highlights, however, the need for changes to the EU Treaty in order to reinforce the overall sanctions mechanisms provided by Article 7 (3);

1 COM(2018)0324 -2018/0136(COD)

Or. en

Amendment 36

Charles Goerens, Pascal Durand, Maite Pagazaurtundúa, Gilles Boyer

Draft opinion

Paragraph 5 e (new)

Draft opinion

Amendment

5e. Insists that the respect of the rule of law should be included as binding and enforceable criteria in the treaties concluding the accession of new Member States to the EU;

Or. en

Amendment 37

Antonio Tajani

Draft opinion

Paragraph 6

Draft opinion

Amendment

6. Acknowledges that the withdrawal of the UK from the European Union will affect citizens' rights as referred to in Part Two of the TFEU and Title V of the Charter of Fundamental Rights; insists that joint European Parliament-UK Parliament scrutiny of the implementation and application of the Withdrawal Agreement would be beneficial, and would welcome it if joint structures to this end could be established⁴.

6. Acknowledges that the withdrawal of the UK from the European Union will affect citizens' rights as referred to in Part Two of the TFEU and Title V of the Charter of Fundamental Rights; insists that joint European Parliament-UK Parliament scrutiny of the implementation and application of the Withdrawal Agreement would be beneficial, and would welcome it if joint structures to this end could be established⁴; **welcomes the fact that, during the first five years after the entry into force of the withdrawal agreement, the Commission will be required to report annually to the European Parliament and the Council on the implementation and application of the agreement, in particular with regard to Part Two (Citizens' Rights); expects the Commission also to continue to report on the second part of the agreement after this**

period;

⁴ European Parliament resolution of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement. Texts adopted, P9_TA(2020)0006, para. 22.

⁴ European Parliament resolution of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement. Texts adopted, P9_TA(2020)0006, para. 22.

Or. it