DRAFT OPINION

of the Committee on Constitutional Affairs

for the Committee on Civil Liberties, Justice and Home Affairs


Rapporteur for opinion: Antonio Tajani
SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

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;

2. Invites Member States to launch evidence-based initiatives and policies aimed at promoting awareness and implementation of the Charter at national level; calls on Member States to apply an ‘Article 51 screening’ to assess at an early stage whether or not a judicial case or legislative file raises questions under the Charter; considers that the FRA Handbook on the applicability of the Charter could serve as inspiration in this regard;

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 2014; 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;

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

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;

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 established.

1 ECLI:EU:C:2014:2454
2 Article 19 TEU, Article 67(4) TFEU and Article 47 of the Charter.