



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Constitutional Affairs

2014/2254(INI)

13.5.2015

OPINION

of the Committee on Constitutional Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the European Union (2013-2014)
(2014/2254(INI))

Rapporteur: Ramón Jáuregui Atondo

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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. Points out that it is necessary to continue promoting and strengthening the protection and full development of fundamental rights in compliance with the Treaties and the Charter of Fundamental Rights of the European Union and, more specifically, to ensure that the values of the European Union set out in Article 2 and all relevant articles of the EU Treaty are respected and promoted by the EU, its institutions and all Member States; stresses that the European institutions should be at the forefront of this endeavour and underlines that the Member States should be exemplary in the effective implementation of these obligations;
2. Stresses that the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) helps significantly to safeguard the human rights and fundamental freedoms of EU citizens and Member States; takes note of Opinion 2/13 of the Court of Justice of the European Union in which the Court concluded that the draft agreement on the accession of the EU to the ECHR was not compatible with EU law; calls on the Commission and the Council to address the concerns raised by the Court as quickly as possible in order to meet fully the obligation to accede to the ECHR as enshrined in Article 6(2) of the EU Treaty and to resume negotiations as soon as possible in a way that adds value to the protection of rights within the EU;
3. Draws attention to the fact that all legislative proposals, including international agreements and in general all EU policies, should be scrutinised to ensure that they comply with the Charter of Fundamental Rights; calls on the Member States and the Commission to ensure that all EU legislation, in particular the economic and financial adjustment programmes which have adversely affected the living conditions of many people, is continuously implemented in accordance with the Charter of Fundamental Rights and the European Social Charter (Article 151 of the TFEU), in particular with regard to the protection of economic and social rights;
4. Considers that breaches of rights, abuses or inequalities in the Member States undermine democracy and the rule of law, as well as citizens' trust in the European Union institutions; emphasises the role of Parliament as the only directly elected institution in scrutinising legislative proposals and policy to ensure that they comply with the Charter; calls on the EU legislator to promote the EU's values as required by Article 3 of the TEU and, specifically, inclusion and equality, as required by Article 8, 9 and 10 of the TFEU;
5. Recalls the need, in this context more than ever, to ensure coherence between the internal and external aspects, including international agreements, of the protection and promotion of human rights in the European Union, and stresses that legislation and policy making in the field of security and justice and the external dimension of the Union's policies should comply with the Charter of Fundamental Rights as well as the ECHR because the purpose of security and justice policies must be to ensure and protect freedom and fundamental rights;

6. 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 EU Treaty 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;
7. Welcomes, therefore, the framework provisions adopted by the Commission on 11 March 2014 on a new EU framework to strengthen the rule of law and the General Affairs Council's decision of 16 December 2014 on the establishment of a continuous dialogue on the state of the rule of law in the EU between Member States in the Council, since both mechanisms should be applied prior to the initiation of proceedings under Article 7 of the TEU, and calls on the Commission and the Council to notify Parliament regularly;
8. Points, however, at the same time to the major obstacles in the way of its implementation, in particular the fact that the formal establishment of the existence of a serious and persistent breach of the fundamental values of the Union in a Member State in accordance with Article 7(2) of the TEU requires unanimity in the Council;
9. Urges the EU institutions and the Member States to introduce an additional mechanism for the effective monitoring of respect for fundamental rights and the rule of law in Member States; believes that, without prejudice to existing mechanisms already applicable in the event of serious and persistent infringements, the proposed alternative should:
 - (a) widen the mandate of the EU Fundamental Rights Agency to include the monitoring of fundamental rights and the rule of law in all Member States, both within and beyond the application of European Union law, and so as to allow it to disclose publicly information on a breach of fundamental rights by a Member State;
 - (b) enable the Commission, on the basis of the findings of the reports generated by the Fundamental Rights Agency, to initiate infringement procedures for violations of Article 2 of the TEU in order to effectively ensure a high level of protection of fundamental rights in the Member States;
10. Underlines the importance of cooperation between EU institutions and national parliaments, as well as between such bodies and the Council of Europe and other organisations; stresses that the protection of minority rights is a basic principle of democracy and deplores all forms of discrimination against minorities and vulnerable people and communities, as referred in Article 2 of the TEU, notes the Council's decision to monitor the human rights situation in the European Union;
11. Recalls the crucial importance of timely and correct transposition and implementation of EU law, especially when it affects and develops fundamental rights;
12. Stresses the need to strengthen institutional transparency, democratic accountability and openness in the EU and urges the competent EU institutions and all Member States to:

- step up their efforts with a view to revising without delay Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents in order to ensure maximum transparency and simplified procedures for public access to information and documents; calls on the Commission, in this context, to relaunch the legislative initiative on an Accessibility Act, in the form of a cross-cutting instrument that can increase the protection afforded to persons with disabilities, and ensure cohesion between all EU policies in this respect;
- bring forward a revision of the European Citizens’ Initiative Regulation (Regulation (EU) No 211/2011) within this parliamentary term in order to improve its functioning, incorporating amendments so as to remove any administrative, organisational and financial obstacles as a result of which not all European citizens can properly exercise their democratic influence through the ECI as provided for in the Treaties; urges the Commission also to include in its proposal the necessary provisions to stop certain groups of citizens, such as those who are blind or living abroad, from being prevented from exercising their right to support citizens’ initiatives, as such exclusion limits equality and engagement among citizens;
- bring forward a revision of Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, in order to help EU citizens who are resident in a State other than their own to participate in the European elections in their country of residence; calls on Member States to enable all their citizens to vote in the European elections, including those living outside the EU, particularly by means of an information campaign carried out in good time;
- give due consideration to the growing segment of the population that is completely disenfranchised as regards national elections because they can vote neither in their home country nor in their country of residence.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	5.5.2015
Result of final vote	+: 20 -: 2 0: 0
Members present for the final vote	Mercedes Bresso, Fabio Massimo Castaldo, Kostas Chrysogonos, Richard Corbett, Esteban González Pons, Danuta Maria Hübner, Ramón Jáuregui Atondo, Jo Leinen, Morten Messerschmidt, Maite Pagazaurtundúa Ruiz, Paulo Rangel, György Schöpflin, Pedro Silva Pereira, Barbara Spinelli, Claudia Tapardel, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski
Substitutes present for the final vote	Max Andersson, Sylvie Goulard, David McAllister, Cristian Dan Preda, Viviane Reding