

SEMDOC

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Charter of Fundamental Rights of the European Union

Protection of fundamental rights is a founding principle of the Union and an indispensable prerequisite for her legitimacy. The obligation of the Union to respect fundamental rights has been confirmed and defined by the jurisprudence of the European Court of Justice. There appears to be a need, at the present stage of the Union's development, to establish a Charter of fundamental rights in order to make their overriding importance and relevance more visible to the Union's citizens.

The European Council believes that this Charter should contain the fundamental rights and freedoms as well as basic procedural rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and derived from the constitutional traditions common to the Member States, as general principles of Community law. The Charter should also include the fundamental rights that pertain only to the Union's citizens. In drawing up such a Charter account should furthermore be taken of economic and social rights as contained in the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers (Article 136 TEC), insofar as they do not merely establish objectives for action by the Union.

In the view of the European Council, a draft of such a Charter of Fundamental Rights of the European Union should be elaborated by a body composed of representatives of the Heads of State and Government and of the President of the European Commission as well as of members of the European Parliament and national parliaments. Representatives of the European Court of Justice should participate as observers. Representatives of the Economic and Social Committee, the Committee of the Regions and social groups as well as experts should be invited to give their views. Secretariat services should be provided by the Secretariat General of the Council.

This body should present a draft document in advance of the European Council in december of the year 2000. The European Council will propose to the European Parliament and the Commission that, together with the Council, they should solemnly proclaim on the basis of the draft document a European Charter of Fundamental Rights. It will then have to be considered how the Charter should be integrated into the treaties. The European Council mandates the General Affairs Council to take the necessary steps prior to the Tampere European Council.

Draft

Charter of Fundamental Rights of the European Union

Respect for fundamental rights is a founding principle of the European Union and an indispensable prerequisite for its legitimacy.

The obligation of the Union to respect fundamental rights has been confirmed and defined by the jurisprudence of the European Court of Justice.

It is necessary at the present stage of the Union's development to establish a Charter of fundamental rights in order visibly to enshrine the overriding importance of fundamental rights and their impact on the Union's citizens. The Charter should guide the Union in the fulfilment of its tasks and make it easier for the Union's citizens to assert their fundamental rights in court.

The European Council believes that this Charter should in particular comprise the rights of freedom and equality as well as basic procedural rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms deriving from the constitutional traditions common to the Member States as general principles of Community law.

The Charter should also include the fundamental rights that pertain only to the Union's citizens.

In drawing up such a Charter account should furthermore be taken of economic and social rights as contained in the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers, insofar as they do not merely establish objectives for action by the Union.

No restriction of such fundamental rights is admissible unless prescribed by law and consistent with the principle of proportionality and the substance of the rights in question.

In the view of the European Council, such a Charter of Fundamental Rights of the European Union and any ancillary provisions required to enforce these rights should be drafted by a convention composed of members of the European Parliament and the legislative bodies of Member States, government delegates and a Representative of the European Commission.

Representatives of the European Court of Justice, of the Committee of the Regions and of the Economic and Social Committee should participate in an advisory capacity. Representatives of social groups and experts should be invited to give their views. Secretariat services should be provided by the General Secretariat of the Council.

This body should present a draft document in advance of the Paris 2000 European Council. The European Council will propose to the European Parliament and the Commission that, together with the Council, they should solemnly proclaim on the basis of the draft document a European Charter of Fundamental Rights. It will then have to be considered how the Charter should be integrated into the Treaties.

The European Council invites the European Parliament and the national Parliaments to participate in this historic task and mandates the General Affairs Council to take the necessary steps prior to the Tampere European Council.
