



Main points of the report by the Working Group on the Charter submitted to the European Convention at its plenary session on 28 and 29 October 2002.

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## FUNDAMENTAL RIGHTS: AN INTEGRAL PART OF THE FUTURE CONSTITUTIONAL TREATY

The Working Group on the Charter considers it essential that fundamental rights be enshrined in the future constitutional treaty. That premise was basic to the proceedings of the Working Group, which had to provide answers to two questions:

- should the Charter of Fundamental Rights of the European Union be incorporated into the constitutional treaty ?
- should the European Union be able to accede to the European Convention on Human Rights?

**The Working Group would answer both questions in the affirmative.**

The Charter of Fundamental Rights of the European Union concerns the Union's institutions and bodies and the Member States when they are implementing Union law (see over). Regarding incorporation of the Charter into the future treaty, the Working Group stresses that:

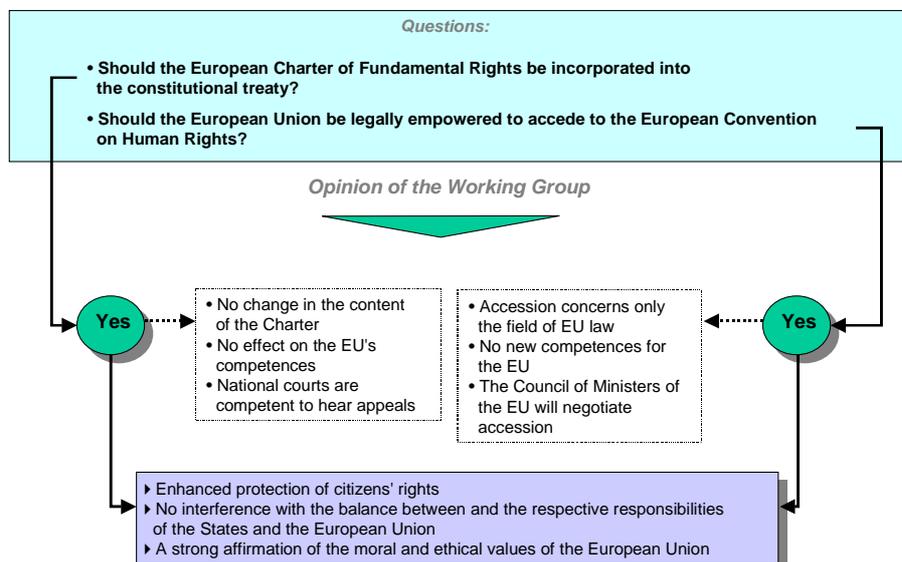
- ▶ no new competences will thereby be conferred on the European Union;
- ▶ the substance of the Charter will not thereby be altered. All that will probably be necessary is a few technical adjustments to the text of the Charter to ensure that it is fully compatible with the EC Treaty;
- ▶ if the Charter becomes a binding text, jurisdiction in actions relating thereto will lie principally with the courts of the Member States, although in certain cases the European Court of Justice will also be competent.

As for the possibility (unconnected with incorporation of the Charter into the Treaty) of European Union accession to the European Convention on Human Rights (ECHR), it will be for the Council of Ministers of the European Union to decide unanimously when and how accession might take place.

The Working Group suggests that a legal basis be created to make this accession possible. Accession would:

- ▶ give citizens the same degree of protection of their fundamental rights at Union level as they enjoy in their own countries;
- ▶ have effect only insofar as the law of the European Union is concerned;
- ▶ create no new competences;
- ▶ not mean that the European Union would become a member of the Council of Europe;
- ▶ not affect the individual positions of the Member States with respect to the ECHR.

Incorporation of the Charter into the Treaty and the ability of the Union to accede to the European Convention on Human Rights would enhance the protection of the fundamental rights of citizens vis-à-vis action at European level and highlight the moral and ethical commitments of the European Union.



The text of the Charter : [http://europa.eu.int/comm/justice\\_home/unit/charte/pdf/charte\\_en.pdf](http://europa.eu.int/comm/justice_home/unit/charte/pdf/charte_en.pdf).

The report by the Working Group on the Charter can be found at the following address: <http://european-convention.eu.int>