

New Commission Strategy on Application of Charter

Thomas Wahl

News

On 2 December 2020, the Commission presented its [new strategy to strengthen the application of the EU Charter of Fundamental Rights](#) (CFR/"Charter") over the next ten years. Although the CFR led to greater promotion and protection of citizens' fundamental rights in the EU during the past two decades, the Commission states that the CFR has also faced many challenges, for instance in the areas of migration and security, and, most recently, in the context of the COVID-19 crisis. Therefore, the Commission calls for renewing the EU's commitment to ensuring that the EU institutions and Member States apply the Charter to its full potential. The new strategy is built upon the following four pillars and includes a number of measures in each of them.

(1) Ensuring the effective application of the Charter by the Member States

The Commission will:

- Strengthen its partnership with Member States to ensure effective application of the Charter;
- Support best practice sharing between local authorities on use and awareness of the Charter;

The Commission invites Member States to:

- Nominate a Charter focal point to ease coordination and cooperation;
- Use impact assessments and legislative scrutiny procedures to ensure that initiatives implementing EU law comply with the Charter;
- Develop guidance and training for national and local administrations;
- Share best practices on use and awareness of the Charter on the European e-Justice Portal.

From 2021 on, the Commission will present *annual reports*, which will look into how the Member States apply the Charter in selected policy areas. The 2021 report, for instance, will focus on fundamental rights in the digital age. The EP and the Council are to organise substantive discussions on the follow-up to these annual reports. The Commission also proposes a variety of measures to ensure compliance of EU-funded projects with the Charter.

(2) Empowering civil society organisations, rights defenders, and justice practitioners

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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The Commission will:

- Take action against measures that breach EU law, including the Charter, which affect civil society organisations;
- Support an enabling environment for civil society organisations, in particular by means of the new Union values strand of the Citizens, Equality, Rights and Values programme.

Member States are invited to establish national human rights institutions and to ensure that they have the means to work fully independently. Other measures concern capacity building and support in the justice sector. In this context, the Commission will:

- Support capacity building on the Charter, for rights defenders and civil society organisations (particularly under the Justice programme), in order to make access to justice easier for all;
- Use EU funds to promote Charter-related training activities and material on the new “European training platform” within the European e-Justice Portal (à separate news item under “Areas of Freedom, Security and Law”).

(3) Fostering the use of the Charter as a compass for EU institutions

The Commission will, *inter alia*, boost its internal capacity for Charter compliance, e.g., through e-learning, updated guidance for staff, and training plans. The Commission will also support “Charter mainstreaming” throughout the European legislative process.

(4) Strengthening people’s awareness of their rights under the Charter

Against the background of a recent Eurobarometer survey, indicating that only 42% of respondents have ever heard about the Charter and only 12% really know what it is, the Commission will:

- Launch an information campaign to raise people’s awareness of their Charter rights and how to use them, giving specific examples and cooperating with actors on the ground;
- Develop young people’s awareness of their Charter rights through the Erasmus+ programme.

Member States are also encouraged to develop their own initiatives to promote awareness.

Background of the new strategy: The Commission highlights that the Charter –proclaimed 20 years ago on 7 December 2000 and legally binding since December 2009 – has enabled the EU legal order to develop into a “beacon of fundamental rights protection.” It has become the embodiment of what EU rights and values mean and is therefore a strong symbol of European identity. It has also led to a more coherent and comprehensive interpretation of fundamental rights across the EU.

The new strategy on successful application of the CFR in the coming years takes up calls from the European Parliament for stronger monitoring of application of the Charter in the Member States (--> “Šimečka report” and EP resolution of October 2020, --> related links). It also heeds calls from the Council to set out ways to improve application of the Charter (--> related link).

In preparation of the new strategy, the Commission carried out a Eurobarometer survey on awareness of the CFR in the EU as well as a public consultation. The [results of this consultation](#), reflecting the public’s input to the new strategy, were analysed by the FRA in June 2020.

The strategy complements other recent overarching initiatives on the part of the Commission that aim at promoting and protecting the fundamental values on which the EU is founded. These mainly concern the European Democracy Action Plan (presented on 3 December 2020 à separate news item) and the Commis-

sion's first rule-of-law report of 30 September 2020 (--> related link). The strategy also complements targeted efforts to make EU rights and values more tangible in specific areas:

- Victims' rights and access to justice (*inter alia* the EU strategy on victims' rights, COM(2020)258 (--> [eucrim 2/2020, 104](#));
- The Communication on access to justice in environmental matters, [COM\(2020\) 643](#);
- Economic rights (an investment protection and facilitation framework is planned for 2021);
- Rights of EU citizens;
- Rights of the child (strategies on rights of children and the European child guarantee are planned for 2021).

The, new strategy tabled on application of the CFR aims to spark inter-institutional discussions. The Commission invites the Council, in particular, to prepare follow-up conclusions. A report on implementation of the strategy is envisaged for 2025. In 2030, the Commission will launch a stocktaking exercise in cooperation with the key actors in the Charter's enforcement in order to evaluate progress in awareness and use of the Charter.

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