

Viviane Reding

Vice-President of the European Commission, EU Justice
Commissioner

Helping citizens enforce their rights under the EU Charter of Fundamental Rights

*Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort*

Seminar on the Application of the Charter of Fundamental Rights:
Handling of Citizens' Petitions and Complaints on Fundamental
Rights

Brussels, 6 October 2011

Dear Ms Mazzoni;
Honourable Members;
Ladies and gentlemen;

It is my great pleasure to welcome you all to this seminar on the application of the EU Charter of Fundamental Rights.

The new Lisbon Treaty has effectively revolutionised European Union policy-making by placing the citizens at the heart of all Union policies. It has also given the EU Charter of Fundamental Rights binding effect.

This means that the Charter must be the compass for all policies developed by the EU institutions, as well as for EU Member States to respect whenever EU law is implemented.

[The Charter]

The Charter of Fundamental Rights is the EU's bill of rights. It is rooted in the EU's core values and safeguards our most cherished rights and freedoms.

The Charter has been conceived as an instrument that enables people to effectively enjoy fundamental rights in all situations that are governed by EU law. It is a living instrument, which should be put in practice daily by the EU institutions, as well as

by Member States when they implement EU Law, and Member States' Courts when they apply EU Law.

That is why the European Commission, in 2010, adopted a Strategy on the effective implementation of the Charter. The objective is that the Union sets an example. This is vital not only for people living in the Union but also for building mutual trust between Member States, and more generally, public confidence in the Union's policies.

The Commission's priority is to ensure that the Charter is respected at each stage of law-making in the EU - from the day the European Commission starts preparing its proposals, throughout the amendments by the Council and the European Parliament - up to the day they are implemented by the Member States.

[Citizens expectations]

People's interest in and expectations about the enforcement of the Charter are high. This has been confirmed by the data collected by the Commission for the first Annual Report on the Application of the EU Charter of Fundamental Rights, which was published in March this year.

This report aims to track progress on the application of the Charter and provides information on what the Commission,

other EU institutions and the Member States, have done to apply the Charter when implementing EU law.

The 2010 report highlights that the Commission received many letters from the general public regarding fundamental rights, which shows a high interest in the Charter. However, approximately three quarters of these letters concerned cases outside the remit of EU law. This reflects a frequent misunderstanding about the purpose of the Charter and the competences conferred to the Commission.

Indeed, the Charter does not apply to all situations in which fundamental rights are at issue in a Member State. It applies only when a Member States implements EU law.

The Charter does not give a general power to the Commission to intervene in cases of violations of fundamental rights. This key point is often misunderstood.

The misunderstanding about the Charter has been confirmed by a survey commissioned by the European Ombudsman according to which 72% of European citizens do not feel well informed about the Charter of Fundamental Rights.

[Communicate clearly on the Charter]

That is one reason why we are here today as we all agree that this situation is not satisfactory.

To reduce delays in the enforcement of fundamental rights and to avoid disappointment, national authorities, EU institutions and other bodies should make a common effort to better inform citizens about where the Charter does and does not apply. This is a common responsibility for all EU institutions and bodies, including the EU Agency for Fundamental Rights, and for Member States.

The 2010 Annual Report on the application of the Charter is a first step taken by the Commission to better inform citizen on this issue. The Report illustrated the concrete problems faced by individuals. It explains why the EU sometimes could not take action in view of the limits of the powers conferred on it by the Treaties.

It also explains that where the EU Charter does not apply, fundamental rights continue to be guaranteed at national level according to national constitutional systems.

Communicating on fundamental rights is complicated: expectations are high and the legal questions are often complex. I am sure that the same kind of challenges occur at national level. Today, we have the opportunity to share experiences on how we deal with this challenge.

[Access to redress]

But apart from improving information on the Charter, what can we do better?

Citizens legitimately expect that adequate and accessible redress mechanisms are in place to solve situations where their fundamental rights have been breached.

Citizens have little concern about what the lawyers call "the source of law"; what citizens are looking for are ways to effectively uphold their rights. The lack of suitable information on redress is clearly an obstacle.

We are already taking steps to address this situation. The Commission will include information on where to complain when fundamental rights have been violated in its E-Justice portal.

[Promote cooperation]

Ladies and Gentlemen;

The seminar today is an opportunity to go further. It is an occasion to explore how we can cooperate and coordinate among ourselves: all key actors that receive complaints at EU level and in the Member States.

In many cases people simply "knock at the wrong door" when they are seeking redress for a violation of fundamental rights. In these situations, it is of course in the interest of each individual that their complaint is re-directed swiftly to the competent authority, at Member State or EU level.

Addressing this issue will not be a straightforward task, as there are many legal, institutional and practical aspects to be taken into account.

But we have the opportunity today to have a closer look and to discuss some questions, like for example:

- How could we reinforce cooperation with the Ombudsmen, the Children's Ombudsmen, the Equality bodies and National Human Rights Institutions?
- Would it be possible to re-direct certain complaints? On the basis of which criteria and according to which procedure could we do this?

It is a matter of fact that to reply to these questions, we need to understand how the different actors involved actually handle complaints on fundamental rights and what practices exist.

The wealth of expertise and experience present here today should enable us to find some answers and to prepare the

ground for cooperation between actors at EU and Member State level.

Last but not least, let me recall that the judges in our Member States have always been key actors when it comes to upholding EU law. We obviously also count on them in relation to giving effect to the Charter when they are called upon to interpret and apply EU law.

[Conclusion]

Ladies and Gentlemen;

Together with the Committee on Petitions we have gathered today a distinct group of experts to discuss all these matters. I am delighted to see that you all followed our invitation and I would like to thank Ms Mazzoni for her personal dedication.

Ensuring the effectiveness of the rights enshrined in the Charter is a constant task which must be pursued with commitment by all of us. Let us now think of how we can best help our citizens when they consider that their fundamental rights have been breached.

I wish you a fruitful seminar.

Thank you.