



2017/2089(INI)

4.12.2018

AMENDMENTS

1 - 100

Draft report

Barbara Spinelli

(PE629.691v01-00)

The implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework
(2017/2089(INI))



Amendment 1
Elmar Brok

Motion for a resolution
Citation 4

Motion for a resolution

Amendment

— *unter Hinweis auf die Europäische Sozialcharta, deren Zusatzprotokoll und deren revidierte Fassung sowie auf die Rechtsprechung des Europäischen Ausschusses für soziale Rechte,*

entfällt

Or. de

Amendment 2
Elmar Brok

Motion for a resolution
Citation 8

Motion for a resolution

Amendment

— *unter Hinweis auf die Leitprinzipien der Vereinten Nationen zu den Beurteilungen der Auswirkungen von Handels- und Investitionsabkommen auf die Menschenrechte und die Leitprinzipien der Vereinten Nationen für Wirtschaft und Menschenrechte,*

entfällt

Or. de

Amendment 3
Barbara Spinelli, Julie Ward

Motion for a resolution
Citation 13 a (new)

Motion for a resolution

Amendment

- *having regard to its resolution of 4 October 2018 on the EU's input to a UN Binding Instrument on transnational corporations and other business*

enterprises with respect to human rights,

Or. en

Amendment 4
Barbara Spinelli, Julie Ward

Motion for a resolution
Citation 28 a (new)

Motion for a resolution

Amendment

- *having regard to the Judgment of the CJEU of 6 November 2018, in Joined Cases C-569/16 and C-570/16, Stadt Wuppertal v. Maria Elisabeth Bauer and Volker Willmeroth v. Martina Broßonn,*

Or. en

Amendment 5
Barbara Spinelli, Julie Ward

Motion for a resolution
Citation 28 b (new)

Motion for a resolution

Amendment

- *having regard to the Opinion 2/13 of the CJEU of 18 December 2014 on the Accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms,*

Or. en

Amendment 6
Barbara Spinelli, Julie Ward

Motion for a resolution
Citation 28 c (new)

Motion for a resolution

Amendment

- *having regard to the opinion 2/15*

Amendment 7

Elmar Brok

Motion for a resolution

Citation 34

Motion for a resolution

Amendment

— *unter Hinweis auf die Entscheidungen der Europäischen Bürgerbeauftragten vom 26. Februar 2016 im Fall 1409/2014/MHZ zum Versäumnis der Europäischen Kommission, eine vorausgehende Folgenabschätzung in Bezug auf die Menschenrechte beim Freihandelsabkommen zwischen der EU und Vietnam durchzuführen, vom 18. Januar 2017 in der gemeinsamen Bearbeitung der Beschwerden 506-509-674-784-927-1381/2016/MHZ gegen die Europäische Kommission bezüglich einer Folgenabschätzung in Bezug auf die Menschenrechte im Kontext des Flüchtlingsabkommens zwischen der EU und der Türkei, und vom 15. Mai 2018 in der strategischen Untersuchung OI/2/2017/TE zur Transparenz des Legislativverfahrens im Rat,*

entfällt

Amendment 8

Elmar Brok

Motion for a resolution

Citation 35

Motion for a resolution

Amendment

— *unter Hinweis auf die*

entfällt

Stellungnahme des Generalsekretärs des Europarats vom 2. Dezember 2016 zu der Initiative der Europäischen Union, eine europäische Säule sozialer Rechte einzurichten,

Or. de

Amendment 9
Elmar Brok

Motion for a resolution
Citation 36

Motion for a resolution

Amendment

— *unter Hinweis auf den Gesamtbericht der hochrangigen Konferenz zur Europäischen Sozialcharte, die am 17. und 18. Oktober 2014 in Turin stattfand,*

entfällt

Or. de

Amendment 10
Elmar Brok

Motion for a resolution
Citation 38

Motion for a resolution

Amendment

— unter Hinweis auf die Studien mit dem Titel „Die Umsetzung der Charta der Grundrechte der Europäischen Union im institutionellen Gefüge der EU“, „Die Auslegung des Artikels 51 der Charta der Grundrechte der Europäischen Union: Das Dilemma einer strengeren oder erweiterten Anwendung der Charta auf nationale Maßnahmen“ **und „Die Europäische Sozialcharta im Kontext der Umsetzung der Charta der Grundrechte der Europäischen Union“**, die von seiner Generaldirektion Interne Politikbereiche am 22. November 2016, 15. Februar 2016 **bzw. 12. Januar 2016** veröffentlicht

— unter Hinweis auf die Studien mit dem Titel „Die Umsetzung der Charta der Grundrechte der Europäischen Union im institutionellen Gefüge der EU“, „Die Auslegung des Artikels 51 der Charta der Grundrechte der Europäischen Union: Das Dilemma einer strengeren oder erweiterten Anwendung der Charta auf nationale Maßnahmen“ die von seiner Generaldirektion Interne Politikbereiche am 22. November 2016, 15. Februar 2016 veröffentlicht wurden¹⁴,

wurden¹⁴,

¹⁴ Studie mit dem Titel „Die Umsetzung der Charta der Grundrechte der Europäischen Union im institutionellen Gefüge der EU“, Europäisches Parlament, Generaldirektion Interne Politikbereiche, Fachabteilung C, 22. November 2016; Studie mit dem Titel „Die Auslegung des Artikels 51 der Charta der Grundrechte der Europäischen Union: Das Dilemma einer strengeren oder erweiterten Anwendung der Charta auf nationale Maßnahmen“, Generaldirektion Interne Politikbereiche, Fachabteilung C, 15. Februar 2016, und die Studie mit dem Titel „Die Europäische Sozialcharta im Kontext der Umsetzung der Charta der Grundrechte der Europäischen Union“ vom 12. Januar 2016.

¹⁴ Studie mit dem Titel „Die Umsetzung der Charta der Grundrechte der Europäischen Union im institutionellen Gefüge der EU“, Europäisches Parlament, Generaldirektion Interne Politikbereiche, Fachabteilung C, 22. November 2016; Studie mit dem Titel „Die Auslegung des Artikels 51 der Charta der Grundrechte der Europäischen Union: Das Dilemma einer strengeren oder erweiterten Anwendung der Charta auf nationale Maßnahmen“, Generaldirektion Interne Politikbereiche, Fachabteilung C, 15. Februar 2016, und die Studie mit dem Titel „Die Europäische Sozialcharta im Kontext der Umsetzung der Charta der Grundrechte der Europäischen Union“ vom 12. Januar 2016.

Or. de

Amendment 11
Elmar Brok

Motion for a resolution
Citation 40 a (new)

Motion for a resolution

Amendment

- *in der Erwägung, dass der vorliegende Bericht keine Einzelbewertung der in der Charta enthaltenen Rechte vornimmt, sondern die Umsetzung der Charta als Instrument des Primärrechts analysiert;*

Or. de

Amendment 12
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Recital B

Motion for a resolution

B. whereas, according to the CJEU, the fundamental rights recognised by the Charter are at the heart of the EU legal structure, and respect *for those rights is a condition of the lawfulness of EU acts*;

Amendment

B. whereas, according to the CJEU, the fundamental rights recognised by the Charter are at the heart of the EU legal structure, and *their respect is a necessary precondition for legality of any EU act*;

Or. en

Amendment 13
Fabio Massimo Castaldo

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

C bis. considerando che a partire dal 2013 il Fondo Monetario Internazionale ha condannato le politiche di austerità a cui é improntata la governace economica europea degli ultimi quindici anni, in ragione delle sue conseguenze negative sulle economie in difficoltà e sulle popolazioni, e che il report^{1 a} del Consiglio d'Europa sulla Grecia dello scorso novembre ha evidenziato come le stesse politiche abbiano determinato in Grecia la violazione dei diritti fondamentali (riconosciuti anche dalla Carta);

^{1 a} <https://rm.coe.int/report-on-the-visit-to-greece-from-25-to-29-june-2018-by-dunja-mijatov/16808ea5bd>

Or. it

Amendment 14
Elmar Brok

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

C a. in der Erwägung, dass Artikel 51 der Charta den Anwendungsbereich der Charta eingrenzt im Hinblick auf die Wahrung des Subsidiaritätsprinzips, die Berücksichtigung der Zuständigkeiten der Mitgliedsstaaten und der Union und die Achtung der Grenzen der Zuständigkeiten, die der Union in den Verträgen übertragen wurden;

Or. de

Amendment 15
Elmar Brok

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

C b. in der Erwägung, dass Artikel 51 (2) der Charta klarstellt, dass die Charta den Geltungsbereich des Unionsrechts nicht über die Zuständigkeiten der Union hinaus ausdehnt und weder neue Zuständigkeiten noch neue Aufgaben für die Union begründet, noch die in den Verträgen festgelegten Zuständigkeiten und Aufgaben ändert;

Or. de

Amendment 16
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Recital E

Motion for a resolution

Amendment

E. whereas, by virtue of Article 51, the provisions of the Charter apply to the Member States only when they implement Union law; whereas, however, the uncertain boundaries of such a requirement make it hard to determine whether and how the Charter applies concretely, *leading to a*

E. whereas, by virtue of Article 51, the provisions of the Charter apply to the Member States only when they implement Union law; whereas, however, the uncertain boundaries of such a requirement make it hard to determine whether and how the Charter applies concretely;

de facto shortfall in its implementation at national level;

Or. en

Amendment 17

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Recital F

Motion for a resolution

Amendment

F. whereas the dichotomy between rights and principles enshrined in Articles 51 and 52 of the Charter is unclear and risks undermining the very essence of the Charter itself, and weakens, at the same time, the principle of the interdependence of human rights;

deleted

Or. en

Amendment 18

Paulo Rangel

Motion for a resolution

Recital F

Motion for a resolution

Amendment

F. Considerando que a dicotomia entre direitos e princípios consagrados nos artigos 51.º e 52.º da Carta não é clara, podendo comprometer a própria essência da Carta, ao mesmo tempo que dilui o princípio da interdependência dos direitos humanos;

Suprimido

Or. pt

Amendment 19

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution
Recital G a (new)

Motion for a resolution

Amendment

G a. whereas the commitment in the European Pillar of Social Rights to delivering new and more effective rights for citizens in the areas of equal opportunities and access to the labour market, fair working conditions and social protection and inclusion further enhances the rights enshrined in the Charter;

Or. en

Amendment 20
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Recital G b (new)

Motion for a resolution

Amendment

G b. whereas the principle of gender equality is a core value of the EU and is enshrined in the EU Treaties and the Charter of Fundamental Rights; whereas Article 8 TFEU establishes the principle of gender mainstreaming by stating that ‘In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women’;

Or. en

Amendment 21
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Recital G c (new)

Motion for a resolution

Amendment

G c. whereas the European Institute for Gender Equality (EIGE) is tasked with developing, analysing, evaluating and disseminating methodological tools in order to support the integration of gender equality into all EU policies and the resulting national policies and to support gender mainstreaming in all EU institutions and bodies;

Or. en

Amendment 22
Paulo Rangel

Motion for a resolution
Recital H

Motion for a resolution

H. Considerando que a transparência *dos processos legislativos e decisórios da UE* é uma condição prévia essencial para que os cidadãos possam avaliar e acompanhar devidamente a aplicação da Carta pelas instituições da UE;

Amendment

H. Considerando que a transparência é *um corolário do direito a uma boa administração, previsto no artigo 41.º, e constitui* uma condição prévia essencial para que os cidadãos possam avaliar e acompanhar devidamente a aplicação da Carta pelas instituições da UE;

Or. pt

Amendment 23
Elmar Brok

Motion for a resolution
Recital I

Motion for a resolution

I. in der Erwägung, dass die Förderung des breiten Spektrums an in der Charta vorgesehenen Rechten – die von bürgerlichen und politischen zu sozialen Rechten, wirtschaftlichen Rechten und Rechten der dritten Generation reichen – der Entwicklung einer europäischen öffentlichen Sphäre entscheidenden

Amendment

I. in der Erwägung, dass die Förderung des breiten Spektrums an in der Charta vorgesehenen Rechten *durch die Mitgliedsstaaten und die Organe und Einrichtungen der Union* – die von bürgerlichen und politischen zu sozialen Rechten, wirtschaftlichen Rechten und Rechten der dritten Generation reichen –

Schwung geben und dem Begriff der Unionsbürgerschaft und der in den Verträgen verankerten partizipatorischen Dimension der EU einen greifbaren Ausdruck verleihen würde;

der Entwicklung einer europäischen öffentlichen Sphäre entscheidenden Schwung geben und dem Begriff der Unionsbürgerschaft und der in den Verträgen verankerten partizipatorischen Dimension der EU einen greifbaren Ausdruck verleihen würde;

Or. de

Amendment 24
Barbara Spinelli, Julie Ward

Motion for a resolution
Recital I a (new)

Motion for a resolution

Amendment

I a. whereas the EU accession to the ECHR is an obligation deriving from article 6 TEU; whereas, following the opinion 2/13 of the European Court of Justice of 18 December 2014, the Commission should present a new draft agreement for the access of the Union to the ECHR by providing positive solutions to the objections raised by the ECJ;

Or. en

Amendment 25
Elmar Brok

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. erkennt mehrere wesentliche Schritte an, die die Organe der EU vollzogen haben, um die Charta in den Rechtsetzungs- und den Entscheidungsprozess der EU zu integrieren; ***bedauert jedoch ihre passive Haltung zu der Charta, die hauptsächlich darauf ausgerichtet ist, Verstöße gegen ihre Bestimmungen zu vermeiden, anstatt***

1. erkennt mehrere wesentliche Schritte an, die die Organe der EU vollzogen haben, um die Charta in den Rechtsetzungs- und den Entscheidungsprozess der EU zu integrieren; ***und erkennt die Schwierigkeiten an***, die Erfüllung der darin vorgesehenen Rechte und Grundsätze aktiv zu fördern und sicherzustellen;

darauf, die Erfüllung der darin vorgesehenen Rechte und Grundsätze aktiv zu fördern und sicherzustellen;

Or. de

Amendment 26

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Recognises the several important steps made by the EU institutions to integrate the Charter into the EU legislative and decision-making processes; *regrets, however, their passive attitude toward the Charter focused principally on avoiding the violation of its provisions rather than on actively promoting and ensuring the fulfilment of the* rights and principles *provided for therein*;

Amendment

1. Recognises the several important steps made by the EU institutions to integrate the Charter into the EU legislative and decision-making processes; *notes that the principal role of the Charter is to ensure that the EU's legislation is in full compliance with* rights and principles *enshrined in it*;

Or. en

Amendment 27

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, *impact assessments* and legal scrutiny with the full involvement of independent fundamental rights experts; *calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society*

Amendment

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, and legal scrutiny with the full involvement of independent fundamental rights experts;

*organisations working in the field,
whenever a legislative file potentially
promotes or negatively affects
fundamental rights;*

Or. en

Amendment 28
Paulo Rangel

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Recorda que os procedimentos estabelecidos pelas instituições da UE para avaliar a compatibilidade das propostas legislativas com a Carta são, essencialmente, de natureza interna; salienta a necessidade de reforçar as formas de consulta, as avaliações de impacto e o controlo jurídico, *assegurando a participação total de peritos independentes da área dos direitos fundamentais*; insta a Comissão a promover a cooperação estruturada e regulamentada com organismos externos independentes, como a FRA e as organizações da sociedade civil que trabalham no terreno, *sempre que um processo legislativo possa promover ou afetar negativamente os direitos fundamentais*;

Amendment

2. Recorda que os procedimentos estabelecidos pelas instituições da UE para avaliar a compatibilidade das propostas legislativas com a Carta são, essencialmente, de natureza interna; salienta a necessidade de reforçar as formas de consulta, as avaliações de impacto e o controlo jurídico; insta a Comissão a promover a cooperação estruturada e regulamentada com organismos externos independentes, como a FRA e as organizações da sociedade civil que trabalham no terreno;

Or. pt

Amendment 29
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Recalls that the procedures
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Amendment

2. Recalls that the procedures

15/51

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XM

established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, impact assessments and legal scrutiny with the full involvement of independent fundamental rights experts; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for enhanced forms of consultation, impact assessments, *including specific gender impact assessments*, and legal scrutiny with the full involvement of independent fundamental rights experts; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA, *the EIGE* and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

Or. en

Amendment 30 **Elmar Brok**

Motion for a resolution **Paragraph 2**

Motion for a resolution

2. weist darauf hin, dass die von den Organen der EU aufgestellten Verfahren zur Bewertung der Vereinbarkeit von Legislativvorschlägen mit der Charta hauptsächlich interner Art sind; betont, **dass erweiterte** Formen von Konsultation, **Folgenabschätzungen und rechtlicher Prüfung mit uneingeschränkter** Einbeziehung unabhängiger Sachverständiger im Bereich der Grundrechte **vorgesehen werden müssen**; fordert die Kommission auf, eine strukturierte und geregelte Zusammenarbeit mit unabhängigen externen Stellen wie der FRA und in dem Bereich tätigen Organisationen der Zivilgesellschaft zu fördern, wann immer ein legislatives Dossier die Grundrechte potenziell fördert oder beeinträchtigt;

Amendment

2. weist darauf hin, dass die von den Organen der EU aufgestellten Verfahren zur Bewertung der Vereinbarkeit von Legislativvorschlägen mit der Charta hauptsächlich interner Art sind; betont **die Möglichkeit erweiterter** Formen von Konsultation, **mit** Einbeziehung unabhängiger Sachverständiger im Bereich der Grundrechte; fordert die Kommission auf, eine strukturierte und geregelte Zusammenarbeit mit unabhängigen externen Stellen wie der FRA und in dem Bereich tätigen Organisationen der Zivilgesellschaft zu fördern, wann immer ein legislatives Dossier die Grundrechte potenziell fördert oder beeinträchtigt;

Or. de

Amendment 31
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2 a. Calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

Or. en

Amendment 32
Elmar Brok

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. fordert die Kommission, den Rat und das Parlament auf, die Verordnung (EG) Nr. 168/2007 des Rates zu überarbeiten, um es der FRA zu ermöglichen, auf eigene Initiative nicht verbindliche Stellungnahmen zu Entwürfen von Rechtsvorschriften der EU abzugeben, **und durch eine Überarbeitung der Interinstitutionellen Vereinbarung über bessere Rechtsetzung systematische Konsultationen mit der Agentur zu fördern;**

3. fordert die Kommission, den Rat und das Parlament auf, die Verordnung (EG) Nr. 168/2007 des Rates zu überarbeiten, um es der FRA zu ermöglichen, auf eigene Initiative nicht verbindliche Stellungnahmen zu Entwürfen von Rechtsvorschriften der EU abzugeben;

Or. de

Amendment 33
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Calls for the Commission, the Council and Parliament to *revise* Council Regulation 168/2007 in order to allow the FRA to deliver non-binding opinions on draft EU legislation on its own initiative, and to promote systematic consultations with the Agency *through a revision of the Interinstitutional Agreement on Better Law-Making*;

Amendment

3. Calls for the Commission, the Council and Parliament to *reflect on a possibility of revising* Council Regulation 168/2007 in order to allow the FRA to deliver non-binding opinions on draft EU legislation on its own initiative, and to promote systematic consultations with the Agency;

Or. en

Amendment 34
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3 a. Stresses the need for a close cooperation with the EIGE in its role of disseminating accurate methodological tools and with a view to the more effective implementation of gender mainstreaming in the legislative and decision-making processes of the European Union;

Or. en

Amendment 35
Maite Pagazartundúa Ruiz, Charles Goerens

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. *Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights*

deleted

into the current three categories in its impact assessment – economic, social and environmental effects – and to create a specific category entitled ‘Effects on fundamental rights’, to ensure that all aspects of fundamental rights are considered;

Or. en

Amendment 36
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. *Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create a specific category entitled ‘Effects on fundamental rights’, to ensure that all aspects of fundamental rights are considered;*

deleted

Or. en

Amendment 37
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create **a** specific **category** entitled ‘Effects on

4. Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create **two** specific **categories** entitled ‘Effects on

fundamental rights', to ensure that all aspects of fundamental rights are considered;

fundamental rights' *and 'Gender impact assessment'*, to ensure that all aspects of fundamental rights are considered;

Or. en

Amendment 38
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4 a. Calls on the Commission to ensure a comprehensive impact assessment; believes that there must be a balanced evaluation of economic, social and environmental consequences in particular, and that impact on the fundamental rights of citizens and equality between women and men must be assessed;

Or. en

Amendment 39
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Calls on the Commission ***to set up a mechanism to identify the need*** to take action at Union level in order to uphold and fulfil the provisions of the Charter, and, at the same time, to systematically ensure that Union law is adapted to take account of the legal and jurisprudential developments of international human rights law; ***reiterates its call on the Commission to submit a proposal giving effect to Parliament's resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law***

5. Calls on the Commission to take action at Union level in order to uphold and fulfil the provisions of the Charter, and, at the same time, to systematically ensure that Union law is adapted to take account of the legal and jurisprudential developments of international human rights law;

*and fundamental rights*¹⁵ ;

¹⁵ OJ C 215, 19.6.2018, p. 162.

Or. en

Amendment 40

Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Calls on the Commission *to set up a mechanism to identify the need* to take action at Union level in order to uphold and fulfil the provisions of the Charter, and, *at the same time, to systematically ensure that Union law is adapted to take* account of the legal and jurisprudential developments of international human rights law; reiterates its call on the Commission to submit a proposal giving effect to Parliament's resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights¹⁵ ;

¹⁵ OJ C 215, 19.6.2018, p. 162.

Amendment

5. Calls on the Commission to take action at Union level in order to uphold and fulfil the provisions of the Charter, and *to ensure that Union law takes* account of the legal and jurisprudential developments of international human rights law; reiterates its call on the Commission to submit a proposal giving effect to Parliament's resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights¹⁵ ;

¹⁵ OJ C 215, 19.6.2018, p. 162.

Or. en

Amendment 41

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Reiterates its call on the Commission to submit a proposal giving effect to Parliament's resolution of 25 October 2016 on the establishment of an

Amendment 42

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Calls for the Commission, the Council and Parliament to establish procedures allowing for a systematic ex post review of the consistency of EU legislation with the provisions of the Charter such as, for instance, the regular inclusion, in legislative texts, of a human rights/Charter-based reporting and review clause;

Amendment

deleted

Amendment 43

Sylvia-Yvonne Kaufmann

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Calls for the EU legislators to endorse the outcomes of the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues¹⁶, and to guarantee the overall transparency of these negotiations; urges the Council to swiftly address the concerns raised with regard to the transparency of its decision-making process and access to documents in line with the relevant recommendations of the European Ombudsman;

Amendment

7. Calls for respect of its right to democratic scrutiny based on the Treaties; insists on the necessity of enhancing transparency and access to documents between EU institutions, in order to develop more effective interinstitutional cooperation, including accountability on matters related to fundamental rights; urges the Council to swiftly address the concerns raised with regard to the transparency of its decision-making process and access to documents in line with the relevant recommendations of the European Ombudsman;

¹⁶ *Judgment of the General Court of 22 March 2018, Emilio de Capitani v European Parliament, T-540/15, ECLI:EU:T:2018:167.*

Or. en

Amendment 44
Elmar Brok

Motion for a resolution
Paragraph 7

Motion for a resolution

7. fordert die Gesetzgebungsorgane der EU auf, die Ergebnisse des Urteils des Gerichts vom 22. März 2018 (Rechtssache T-540/15) über den Zugang zu den Dokumenten des Trilogs¹⁶ **zu befürworten und die umfassende Transparenz dieser Verhandlungen zu gewährleisten**; fordert den Rat auf, gemäß den einschlägigen Empfehlungen der Europäischen Bürgerbeauftragten rasch die aufgeworfenen Besorgnisse um die Transparenz seines Entscheidungsprozesses und des Zugangs zu Dokumenten anzugehen;

¹⁶ Urteil des Gerichts vom 22. März 2018, Emilio de Capitani gegen Europäisches Parlament, T-540/15, ECLI:EU:T:2018:167.

Amendment

7. fordert die Gesetzgebungsorgane der EU auf, die Ergebnisse des Urteils des Gerichts vom 22. März 2018 (Rechtssache T-540/15) über den Zugang zu den Dokumenten des Trilogs¹⁶ **anzuerkennen und umzusetzen**; fordert den Rat auf, gemäß den einschlägigen Empfehlungen der Europäischen Bürgerbeauftragten rasch die aufgeworfenen Besorgnisse um die Transparenz seines Entscheidungsprozesses und des Zugangs zu Dokumenten anzugehen;

¹⁶ Urteil des Gerichts vom 22. März 2018, Emilio de Capitani gegen Europäisches Parlament, T-540/15, ECLI:EU:T:2018:167.

Or. de

Amendment 45
Elmar Brok

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. weist darauf hin, dass die Politikgestaltung der EU sich auf die in den Artikeln 2, 3 und 6 EUV dargelegten Grundsätze und Ziele stützen und dabei den Anforderungen, die in den allgemein anwendbaren Bestimmungen von Titel II Teil I AEUV verankert sind, uneingeschränkt zustimmen und Folge leisten muss;

8. weist darauf hin, dass die Politikgestaltung der EU sich auf die in den Artikeln 2, 3, **4, 5** und 6 EUV dargelegten Grundsätze und Ziele stützen und dabei den Anforderungen, die in den allgemein anwendbaren Bestimmungen von Titel II Teil I AEUV verankert sind, uneingeschränkt zustimmen und Folge leisten muss;

Or. de

Amendment 46
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Recalls that EU policy-making **must rely** upon the principles and objectives set out in Articles 2, 3 and 6 TEU, while fully endorsing and implementing the requirements enshrined in the provisions having general application of Title II, Part I, of the TFEU;

Amendment

8. Recalls that EU policy-making **relies** upon the principles and objectives set out in Articles 2, 3 and 6 TEU, while fully endorsing and implementing the requirements enshrined in the provisions having general application of Title II, Part I, of the TFEU;

Or. en

Amendment 47
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8 a. Recalls the obligation laid down in the Treaties to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); considers that its completion would introduce further safeguards in protecting fundamental rights of Union citizens and residents; asks to take the

necessary steps to eventually eliminate the legal barriers that prevent the conclusion of the accession;

Or. en

Amendment 48

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8 b (new)

Motion for a resolution

Amendment

8 b. *Regrets that gender mainstreaming is not consistently implemented in all EU activities which prevents the effective implementation of measures to combat gender discrimination and promote gender equality;*

Or. en

Amendment 49

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 8 c (new)

Motion for a resolution

Amendment

8 c. *Stresses the need for an institutional cultural shift through a systematic and planned process for organisational learning within the institutions in order to achieve gender equality both internally and especially in regard to working results and outcomes;*

Or. en

Amendment 50

Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 8 d (new)

Motion for a resolution

Amendment

8 d. *Recalls that both the Treaties and the EU Charter of Fundamental Rights make reference to the protection of national minorities and discrimination practised on the grounds of language; calls for concrete administrative steps within the EU institutions to encourage national governments to find durable solutions and to promote the culture of linguistic diversity in their Member State, beyond the official EU languages;*

Or. en

Amendment 51
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU institutions – a process in which they are nevertheless involved – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

9. ***Deems it crucial that the Union takes resolute steps to strengthen its own engagements in guaranteeing the enjoyment of the social rights of the Charter;*** Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU institutions – a process in which they are nevertheless involved – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Or. en

Amendment 52

Elmar Brok

Motion for a resolution

Paragraph 9

Motion for a resolution

9. ***bedauert, dass im Rechtsrahmen für die Wirtschafts- und Währungspolitik der EU Bezugnahmen auf die Grundrechte fast vollständig fehlen; bedauert diesbezüglich***, dass der Rückgriff auf zwischenstaatliche Regelungen die Organe der EU – auch wenn sie an diesem Prozess beteiligt sind – nicht ihrer Verpflichtungen entbindet, die Vereinbarkeit solcher Instrumente mit dem Unionsrecht einschließlich der Charta zu bewerten;

Amendment

9. ***betont***, dass der Rückgriff auf zwischenstaatliche Regelungen die Organe der EU – auch wenn sie an diesem Prozess beteiligt sind – nicht ihrer Verpflichtungen entbindet, die Vereinbarkeit solcher Instrumente mit dem Unionsrecht einschließlich der Charta zu bewerten;

Or. de

Amendment 53

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 9

Motion for a resolution

9. ***Regrets the almost complete absence*** of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU ***institutions – a process in which they are nevertheless involved*** – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Amendment

9. ***Stresses the importance*** of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Or. en

Amendment 54
Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU institutions – ***a process in which they are nevertheless involved*** – of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Amendment

9. Regrets the almost complete absence of references to fundamental rights within the legal framework regulating EU economic and monetary policy; recalls, in this regard, that recourse to intergovernmental arrangements does not relieve the EU institutions of their obligations to assess the compatibility of such instruments with EU law, including the Charter;

Or. en

Amendment 55
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9 a. Calls on the Commission to ensure that the European Semester process, including the country-specific recommendations and the annual growth survey recommendations, comply with the normative components of the social rights of the Charter;

Or. en

Amendment 56
Elmar Brok

Motion for a resolution
Paragraph 10

Motion for a resolution

10. **fordert die Kommission und den Rat auf, gesamtwirtschaftliche Beschlüsse von belastbaren Bewertungen der Menschenrechtslage abhängig zu machen, die sich auf das gesamte Spektrum bürgerlicher, politischer und sozialer Rechte stützen, die von europäischen und internationalen Menschenrechtsinstrumenten garantiert werden; fordert erneut die Kommission auf, die Schritte zu unternehmen, die für einen Beitritt der EU zur Europäischen Sozialcharta erforderlich sind;**

Amendment

10. **legt der Kommission nahe, die für den Beitritt der Europäischen Union zu der revidierten Europäischen Sozialcharta erforderlichen Schritte zu prüfen und einen zeitlichen Rahmen für dieses Ziel vorzuschlagen;**

Or. de

Amendment 57

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Calls on the Commission and the Council to make macroeconomic decisions conditional on **robust human** rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments; **calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;**

Amendment

10. Calls on the Commission and the Council to make macroeconomic decisions conditional on **fundamental** rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments;

Or. en

Amendment 58

Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution

Paragraph 10

Motion for a resolution

Amendment

10. Calls on the Commission and the Council to make macroeconomic decisions **conditional on** robust human rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments; calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;

10. Calls on the Commission and the Council to make macroeconomic decisions **with regard to** robust human rights assessments, based on the full range of civil, political and social rights guaranteed by the European and international human rights law instruments; calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;

Or. en

Amendment 59

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

Motion for a resolution

Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. Calls, once again, on the Commission to take the steps required for EU accession to the European Social Charter;

Or. en

Amendment 60

Sylvia-Yvonne Kaufmann

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. **Reiterates its call** for a social protocol to be incorporated into **the Treaties** in order to strengthen fundamental social rights in relation to economic freedoms, and to impart effectiveness and tangible expression to the social provisions enshrined in the Charter;

11. **Invites, in a wider context of possible Treaties revision, to reflect upon the possibility** for a social protocol to be incorporated into **them**, in order to strengthen fundamental social rights in relation to economic freedoms, and to impart effectiveness and tangible expression to the social provisions enshrined in the Charter;

Or. en

Amendment 61
Elmar Brok

Motion for a resolution
Paragraph 11

Motion for a resolution

11. **bekräftigt seine Aufforderung, ein Sozialprotokoll in die Verträge aufzunehmen, um die grundlegenden sozialen Rechte im Verhältnis zu den wirtschaftlichen Freiheiten zu stärken, und** den in der Charta verankerten sozialen Bestimmungen zu Wirksamkeit und spürbarem Ausdruck zu verhelfen;

Amendment

11. **betont, dass es aufgrund der in den Verträgen festgelegten Zuständigkeiten primär in der Verantwortung der Mitgliedsstaaten liegt,** den in der Charta verankerten sozialen Bestimmungen zu Wirksamkeit und spürbarem Ausdruck zu verhelfen;

Or. de

Amendment 62
Elmar Brok

Motion for a resolution
Paragraph 12

Motion for a resolution

12. **bekundet seine ernste Sorge über die de facto äußerst wichtige, aber unzureichend definierte Rolle der Euro-Gruppe bei der wirtschaftlichen Governance des Euro-Währungsgebiets und über die Wirkung, die ihre Beschlüsse auf die Politikgestaltung haben könnten, ohne dass durch geeignete Mechanismen demokratischer Rechenschaftspflicht und gerichtliche Kontrolle ein Gegengewicht geschaffen würde; erinnert die Mitglieder des Rates an ihre aus den Artikeln 2 und 6 EUV und der Charta erwachsenden horizontalen Verpflichtungen;**

Amendment

entfällt

Or. de

Amendment 63
Fabio Massimo Castaldo

Motion for a resolution
Paragraph 12

Motion for a resolution

12. esprime profonda preoccupazione per il ruolo, di fatto fondamentale, ma **mal definito**, dell'Eurogruppo nella governance economica della zona euro e per **l'impatto** che le decisioni di tale gruppo **potrebbero avere nell'influenzare il processo decisionale, senza essere** controbilanciate da meccanismi adeguati di responsabilità democratica e controllo giurisdizionale; ricorda ai membri del Consiglio i loro obblighi orizzontali derivanti dagli articoli 2 e 6 del TUE e dalla Carta;

Amendment

12. esprime profonda preoccupazione per il ruolo, di fatto fondamentale, ma **non formalmente riconosciuto**, dell'Eurogruppo nella governance economica della zona euro e per **l'influenza** che le decisioni di tale gruppo, **non** controbilanciate da meccanismi adeguati di responsabilità democratica e controllo giurisdizionale, **hanno sul processo decisionale dell'Unione, nonché nei confronti delle politiche economiche degli Stati membri dell'eurozona**; ricorda ai membri del Consiglio i loro obblighi orizzontali derivanti dagli articoli 2 e 6 del TUE e dalla Carta;

Or. it

Amendment 64
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 12

Motion for a resolution

12. **Expresses its deep concern for the de facto crucial, but ill-defined**, role of the Eurogroup in the economic governance of the euro area, and **for** the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds **the members of the Council** of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Amendment

12. **Notes the** crucial role of the Eurogroup in the economic governance of the euro area, and the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds **its** members of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Or. en

Amendment 65
Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Expresses its deep concern for the de facto crucial, ***but ill-defined***, role of the Eurogroup in the economic governance of the euro area, and for the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds the members of the Council of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Amendment

12. Expresses its deep concern for the de facto crucial ***but informal*** role of the Eurogroup in the economic governance of the euro area, and for the impact that its decisions might have in influencing policy-making, without being counterbalanced by appropriate mechanisms of democratic accountability and judicial control; reminds the members of the Council of their horizontal obligations deriving from Articles 2 and 6 TEU and from the Charter;

Or. en

Amendment 66
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

12 a. Stresses that the notion of "exceptional circumstances", which is included in the TSCG allowing for a deviation from the medium-term objective or the adjustment path announced, should not be interpreted in a way where Members States are allowed not to comply with their obligations under the social provisions of the Charter;

Amendment

Or. en

Amendment 67
Fabio Massimo Castaldo

Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12 bis. condanna le violazioni dei diritti fondamentali, e quindi della Carta, perpetuate in Grecia, di fatto in conseguenza delle indicazioni fornite alla stessa nell'ambito del sistema di governance economica europea, sulla base del paradigma dell'austerità;

Or. it

Amendment 68

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 13

Motion for a resolution

Amendment

13. Recalls that the Union's action on the international scene must be guided by the principles enshrined in Article 21(1) TEU; is convinced that full respect for and promotion of the Charter's provisions ***in the Union's internal sphere*** represents a benchmark for assessing the legitimacy and credibility of the Union's behaviour in its international relations, including within the framework of the enlargement process pursuant to Article 49 TEU;

13. Recalls that the Union's action on the international scene must be guided by the principles enshrined in Article 21(1) TEU; is convinced that full respect for and promotion of the Charter's provisions ***inside the EU*** represents a benchmark for assessing the legitimacy and credibility of the Union's behaviour in its international relations, including within the framework of the enlargement process pursuant to Article 49 TEU;

Or. en

Amendment 69

Sylvia-Yvonne Kaufmann

Motion for a resolution

Paragraph 14

Motion for a resolution

Amendment

14. ***Deplores*** the limited jurisdiction of the CJEU in the field of Common Foreign and Security Policy (CFSP), and warns

14. ***Notes*** the limited jurisdiction of the CJEU in the field of Common Foreign and Security Policy (CFSP), and warns against

against any potential limitation of the rights to an effective remedy as enshrined in the Charter *and in the ECHR*;

any potential limitation of the rights to an effective remedy as enshrined in the Charter;

Or. en

Amendment 70
Elmar Brok

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. weist darauf hin, dass umfassende Handelsabkommen mit Drittstaaten weitreichende Folgen für ein breites Spektrum an Menschenrechten haben können; fordert die Kommission auf, über den in ihren Folgenabschätzungen verfolgten üblichen integrierten Ansatz hinauszugehen und vor dem Abschluss jeglicher Handelsverhandlungen spezifische Abschätzungen der Folgen für die Menschenrechte vorzunehmen, indem sie sich uneingeschränkt auf die Leitprinzipien der Vereinten Nationen zu den Beurteilungen der Auswirkungen von Handels- und Investitionsabkommen auf die Menschenrechte beruft;

entfällt

Or. de

Amendment 71
Barbara Spinelli, Julie Ward

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. Points out that comprehensive trade agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to go beyond the usual 'integrated approach' followed in its impact assessments, and to

15. Points out that comprehensive trade **agreements, free trade agreements and investment protection** agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to go beyond

carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, by taking full advantage of the UN Guiding Principles on human rights impact assessments of trade and investment agreements;

the usual ‘integrated approach’ followed in its impact assessments, and to carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, by taking full advantage of the UN Guiding Principles on human rights impact assessments of trade and investment agreements; *asks the Commission to enrich its trade and investment agreements by requiring the parties as well as companies and investors to respect international human rights standards and obligations, in addition to those arising from domestic laws; asks the Commission to provide for an independent monitoring and complaint mechanism that can be seized by affected populations and that has the authority to make rulings with regard to the negative impact that trade and investments agreements may have on human rights; calls furthermore on the Commission to regularly include, in international agreements, human rights-based reporting and review clauses;*

Or. en

Amendment 72
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Points out that comprehensive trade agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to ***go beyond the usual ‘integrated approach’ followed in its impact assessments, and to*** carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, ***by taking full advantage of*** the UN Guiding Principles on human rights impact assessments of trade and investment agreements;

Amendment

15. Points out that comprehensive trade agreements with third countries might have far-reaching consequences for a wide range of human rights; asks the Commission to carry out specific human rights impact assessments prior to the conclusion of any trade negotiations, taking ***into consideration*** the UN Guiding Principles on human rights impact assessments of trade and investment agreements;

Amendment 73
Barbara Spinelli, Julie Ward

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15 a. Recalls that the conclusion by the EU, or by its Member States with the formal endorsement of the EU institutions, of agreements of political nature with third countries - such as the so-called 'EU-Turkey Statement' of 18 March 2016, the 'EU-Afghanistan Joint Way Forward' of 2 October 2016 or 'The Italy-Libya Memorandum of Understanding' of 2 February 2017 - must be guided by those same principles and standards which are intended to inform all of the decisions of the EU institutions and that such political nature does not absolve them of the responsibility to ensure that all their actions are in compliance with the EU's fundamental rights commitments; calls, therefore, on the Commission and the Member States to fully comply with their obligations deriving from the Charter and from the international human rights law when implementing those instruments and to carry out ex-ante and ex-post regular assessments of their impact on human rights and fundamental freedoms; at the same time, calls on the European Council, the Commission and the Member States to refrain from further adopting or endorsing agreements of such kind as a way to circumvent their Charter's obligations and the checks and balances built into the EU legal framework;

Or. en

Amendment 74

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

**Motion for a resolution
Paragraph 15 a (new)**

Motion for a resolution

Amendment

15 a. Calls for a speedy accession of the EU to the European Convention of Human Rights; reaffirms that EU accession to the ECHR will constitute the minimum level of protection for human rights and fundamental freedoms in Europe and provide an additional mechanism for enforcing human rights, namely the possibility of lodging a complaint with the ECtHR in relation to a violation of human rights derived from an act by an EU institution or a Member State implementing EU law, falling within the remit of the ECHR; and that ECtHR case law will thus provide extra input for current and future EU action on the respect for, and promotion of, fundamental freedoms in the areas of civil liberties, justice and home affairs, in addition to the case law of the Court of Justice in this field;

Or. en

**Amendment 75
Barbara Spinelli, Julie Ward**

**Motion for a resolution
Paragraph 15 b (new)**

Motion for a resolution

Amendment

15 b. Underlines the close relationship between the provisions of the Charter, those of the EU Treaties and the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, as laid down in article 18 of the Charter itself; stresses that the setting-up and development of the EU migration policy, pursuant to articles 67 and 80 TFEU,

shall be rooted on that strict correlation, while upholding the principle of solidarity and fair sharing of responsibility among Member States; calls, furthermore, on the Council, Commission and the Member States to refrain from concluding migration-related agreements with third countries, while suspending the ones already in place, which do not guarantee the full respect, protection and promotion of the provisions enshrined in the relevant European and international human rights law instruments;

Or. en

Amendment 76

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Highlights the potential of EU agencies to offer support to Member States in fulfilling their obligations deriving from the Charter, by frequently acting as an operational link between the EU and national spheres; points out that this task can only be effectively performed by developing a fully-fledged **human rights praxis** within the agencies **themselves, taking into account both the internal and external dimensions of the protection and promotion of fundamental rights;**

Amendment

16. Highlights the potential of **certain** EU agencies to offer support to Member States in fulfilling their obligations deriving from the Charter, by frequently acting as an operational link between the EU and national spheres; points out that this task can only be effectively performed by developing a fully-fledged **fundamental rights practice** within the agencies **operating in the sphere of justice and home affairs or those specifically tasked with promoting and protecting rights and principles derived from the Charter;**

Or. en

Amendment 77

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Takes note of the **differentiated range of** policies and instruments developed by the various agencies to give effect to their **human** rights' obligations, resulting in varying degrees of implementation; stresses the need to promote EU intra-agency cooperation as well as structured dialogues **with relevant national stakeholders and independent human rights experts**, and to build on existing best practices, in order to advance a common and strengthened **human** rights framework;

Amendment

17. Takes note of the **different** policies and instruments developed by the various agencies to give effect to their **fundamental** rights' obligations, resulting in varying degrees of implementation; stresses the need to promote EU intra-agency cooperation as well as structured dialogues, and to build on existing best practices, in order to advance a common and strengthened **fundamental** rights framework;

Or. en

Amendment 78
Elmar Brok

Motion for a resolution
Paragraph 17

Motion for a resolution

17. nimmt das differenzierte Spektrum an Maßnahmen und Instrumenten zur Kenntnis, die von den einzelnen Agenturen entwickelt wurden, um ihren Verpflichtungen im Bereich der Menschenrechte Wirkung zu verleihen, was dazu geführt hat, dass sie in unterschiedlichem Maße angewandt werden; betont, dass eine Zusammenarbeit innerhalb der EU-Agenturen sowie strukturierte Dialoge mit einschlägigen innerstaatlichen Interessenträgern und unabhängigen Menschenrechtssachverständigen **gefördert werden müssen** und dass auf bestehenden bewährten Verfahren aufgebaut werden muss, um einen gemeinsamen und gestärkten Rahmen für die Menschenrechte voranzubringen;

Amendment

17. nimmt das differenzierte Spektrum an Maßnahmen und Instrumenten zur Kenntnis, die von den einzelnen Agenturen entwickelt wurden, um ihren Verpflichtungen im Bereich der Menschenrechte Wirkung zu verleihen, was dazu geführt hat, dass sie in unterschiedlichem Maße angewandt werden; betont, dass eine Zusammenarbeit innerhalb der EU-Agenturen sowie strukturierte Dialoge mit einschlägigen innerstaatlichen Interessenträgern und unabhängigen Menschenrechtssachverständigen **sinnvoll sind** und dass auf bestehenden bewährten Verfahren aufgebaut werden muss, um einen gemeinsamen und gestärkten Rahmen für die Menschenrechte voranzubringen;

Or. de

Amendment 79
Elmar Brok

Motion for a resolution
Paragraph 18

Motion for a resolution

18. fordert die Agenturen der EU auf, interne Menschenrechtsstrategien anzunehmen und regelmäßige Schulungen ihres Personals auf allen Ebenen über die Grundrechte und die Charta zu fördern;

Amendment

entfällt

Or. de

Amendment 80
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Calls on the EU agencies to adopt internal *human* rights strategies and to promote regular fundamental *rights/Charter* training sessions for their staff *at all levels*;

Amendment

18. Calls on the EU agencies *operating in the sphere of justice and home affairs or those specifically tasked with promoting and protecting rights and principles derived from the Charter* to adopt internal *fundamental* rights strategies and to promote regular fundamental *rights and Charter* training sessions for their staff;

Or. en

Amendment 81
Maite Pagazaurtundúa Ruiz, Charles Goerens

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Regrets the absence, in many EU agencies' founding regulations, of an

Amendment

19. Regrets the absence, in many EU agencies' founding regulations, of an

explicit reference to the Charter; calls on the co-legislators to ***urgently fill this gap, and to*** provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms ***such as, for instance, the establishment of internal fundamental rights officers***;

explicit reference to the Charter; calls on the co-legislators to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms;

Or. en

Amendment 82
Barbara Spinelli, Julie Ward

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to urgently fill this gap, and to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers;

Amendment

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to urgently fill this gap, and to provide, taking account of the mandate and the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers ***and of independent complaint mechanisms***;

Or. en

Amendment 83
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to ***urgently*** fill this gap, and to provide, taking account of the mandate and the specificities of each

Amendment

19. Regrets the absence, in many EU agencies' founding regulations, of an explicit reference to the Charter; calls on the co-legislators to, ***where necessary***, fill this gap ***in possible future revisions***, and to provide, taking account of the mandate and

individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers;

the specificities of each individual agency, for additional operational mechanisms such as, for instance, the establishment of internal fundamental rights officers;

Or. en

Amendment 84
Elmar Brok

Motion for a resolution
Paragraph 19

Motion for a resolution

19. bedauert, dass in den Gründungsverordnungen vieler Agenturen der EU ein ausdrücklicher Bezug auf die Charta fehlt; fordert die Gesetzgebungsorgane auf, diese Lücke **umgehend** zu schließen und unter Berücksichtigung des Mandats und der Besonderheiten jeder einzelnen Agentur zusätzliche operative Mechanismen wie etwa die Ernennung interner Beauftragter für die Grundrechte vorzusehen;

Amendment

19. bedauert, dass in den Gründungsverordnungen vieler Agenturen der EU ein ausdrücklicher Bezug auf die Charta fehlt; fordert die Gesetzgebungsorgane auf, diese Lücke zu schließen und unter Berücksichtigung des Mandats und der Besonderheiten jeder einzelnen Agentur zusätzliche operative Mechanismen wie etwa die Ernennung interner Beauftragter für die Grundrechte vorzusehen;

Or. de

Amendment 85
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20 a. Points out that the loopholes in transposition and proper implementation of EU law in Member States can have actual impacts in the enjoyment of EU Fundamental Rights; recalls in this sense the role of the Commission as guardian of the Treaties, thus as ultimate -if not primary-responsible of safeguarding Fundamental Rights, when needed

through infringement procedures; calls in this regard for a more determined leadership in ensuring an adequate implementation of EU legislation;

Or. en

Amendment 86
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Motion for a resolution
Paragraph 20 b (new)

Motion for a resolution

Amendment

20 b. Points out to the link between the Charter and the Copenhagen Criteria for accession of third countries to the Union, in terms of guaranteeing Fundamental Rights; suggests that these conditions within the Copenhagen Criteria are not simply used once as accession preconditions, but that also Member States are periodically assessed against those in order to ensure the maintenance of the democratic quality of the Union over time;

Or. en

Amendment 87
Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Highlights the persistent awareness-gap concerning the Charter, its scope and degree of application among both **rights-holders** and legal and human rights experts, and deplores the scarcity of national action devoted to remedying such a deficiency;

21. Highlights the persistent awareness-gap concerning the Charter, its scope and degree of application among both **those who benefit from its protection** and legal and human rights experts, and deplores the scarcity of national action devoted to remedying such a deficiency;

Amendment 88

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution**Paragraph 22***Motion for a resolution*

22. Calls on the Commission to strengthen its awareness-raising activities concerning the Charter, with the full involvement of civil society organisations, and to promote and fund Charter-targeted training modules *for* national judges, legal practitioners as well as civil servants *at all levels of the national public administrations*; calls on the Commission, furthermore, to equip the Member States with practical guidelines supporting them in the implementation of the Charter at national level; *asks the Commission, in this context, to give full visibility to the FRA's recently published Handbook on Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level*;

Amendment

22. Calls on the Commission to strengthen its awareness-raising activities concerning the Charter, with the full involvement of civil society organisations, and to promote and fund Charter-targeted training modules *aiming to improve the knowledge of Union policies and Union law including inter alia substantive and procedural law, the use of EU judicial cooperation instruments, the relevant case-law of the Court of Justice of the European Union, legal language and of comparative law among* national judges, legal practitioners as well as civil servants; calls on the Commission, furthermore, to equip the Member States with practical guidelines supporting them in the implementation of the Charter at national level;

Or. en

Amendment 89

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution**Paragraph 23***Motion for a resolution*

23. Encourages the Member States to regularly exchange information and experience on the use, application and oversight of the Charter, and to mainstream the examples of best practice already developed at national level, *such as, for instance, those presented in the report of*

Amendment

23. Encourages the Member States to regularly exchange information and experience on the use, application and oversight of the Charter, and to mainstream the examples of best practice already developed at national level;

the Dutch Presidency on the outcome of the seminar on the 'National Policy application of the EU Charter of fundamental rights';

Or. en

Amendment 90

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

Motion for a resolution

Paragraph 23 a (new)

Motion for a resolution

Amendment

23 a. Calls on the Commission, to give full visibility to the FRA's recently published Handbook on Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level;

Or. en

Amendment 91

Sylvia-Yvonne Kaufmann

Motion for a resolution

Paragraph 24

Motion for a resolution

Amendment

24. Is convinced that the current dualism characterising Article 51 of the Charter in relation to rights and principles, as well as the differences in the application of the provisions of the Charter between EU institutions, bodies, offices and agencies of the Union and the Member States, is detrimental to the added value brought by the Charter, namely that of representing a set of common minimum standards of protection to be applied horizontally to all institutional actors and policies and activities connected to the EU sphere;

deleted

Amendment 92**Paulo Rangel****Motion for a resolution****Paragraph 24***Motion for a resolution*

24. Está convicto de que o *atual dualismo que caracteriza o artigo 51.º da Carta em relação aos direitos e princípios, bem como as diferenças na aplicação das disposições da Carta entre as instituições, os órgãos, os gabinetes e as agências da União e dos Estados-Membros da UE, são prejudiciais para o valor acrescentado proporcionado pela Carta, nomeadamente o de representar um conjunto de normas mínimas comuns de proteção que devem ser aplicadas horizontalmente a todos os intervenientes institucionais e às políticas e atividades ligadas à esfera da UE;*

Amendment

24. Está convicto de que o valor acrescentado *da Carta assenta tanto no respeito por um catálogo de direitos, como na observância e na promoção dos princípios nela consignados; considera que os deveres consagrados no artigo 51.º conduzem ao mais amplo nível de protecção dos direitos fundamentais na União e nos Estados Membros, garantindo a sua mais fácil e efectiva aplicação às circunstâncias de cada tempo.*

Or. pt

Amendment 93**Elmar Brok****Motion for a resolution****Paragraph 24***Motion for a resolution*

24. ist überzeugt, dass *der derzeitige Dualismus, der Artikel 51 der Charta in Bezug auf Rechte und Grundsätze auszeichnet, sowie* die Unterschiede zwischen den Organen, Einrichtungen und sonstigen Stellen der EU und den Mitgliedstaaten bei der Anwendung der Bestimmungen der Charta dem durch die Charta entstehenden Mehrwert – nämlich dass sie eine Reihe von Mindestschutzstandards darstellt, die horizontal auf alle institutionellen Akteure,

Amendment

24. ist überzeugt, dass die Unterschiede zwischen den Organen, Einrichtungen und sonstigen Stellen der EU und den Mitgliedstaaten bei der Anwendung der Bestimmungen der Charta dem durch die Charta entstehenden Mehrwert – nämlich dass sie eine Reihe von Mindestschutzstandards darstellt, die horizontal auf alle institutionellen Akteure, Maßnahmen und Tätigkeiten, die mit der EU-Sphäre zusammenhängen, angewandt werden sollen – schadet;

Maßnahmen und Tätigkeiten, die mit der EU-Sphäre zusammenhängen, angewandt werden sollen – schadet;

Or. de

Amendment 94

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. Stresses that the incorporation of the Charter into primary EU law, while not extending the Union's competences and respecting the principle of subsidiarity as defined in its Article 51, creates new responsibilities for the decision-making and implementing institutions, as well as for Member States when implementing EU legislation at national level, and that the Charter's provisions have thus become directly enforceable by European and national courts;

Or. en

Amendment 95

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Motion for a resolution

Paragraph 24 a (new)

Motion for a resolution

Amendment

24 a. Urges to conclude the adoption of the horizontal EU Anti-discrimination Directive^{1a}, in order to further guarantee further fundamental rights concretely within the Union by means of adoption of concrete EU legislation, and therefore avoiding the current interference of Article 51;

1a 2008/0140(CNS)Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

Or. en

Amendment 96
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 25

Motion for a resolution

Amendment

25. Encourages the EU institutions and the Member States to move toward a more flexible and unconstrained interpretation of Article 51 of the Charter, allowing for a straightforward application of the Charter as a whole, and to evaluate the possibility of repealing the article in the event of a possible future revision of the Treaties;

deleted

Or. en

Amendment 97
Elmar Brok

Motion for a resolution
Paragraph 25

Motion for a resolution

Amendment

25. fordert die Organe der EU und die Mitgliedstaaten auf, eine flexiblere und weniger *starre Auslegung von Artikel 51 der Charta zu erreichen, was eine weniger komplizierte Anwendung der Charta insgesamt ermöglichen würde, und zu prüfen, ob es möglich ist, den Artikel bei einer möglichen künftigen Überarbeitung der Verträge aufzuheben;*

25. fordert die Organe der EU und die Mitgliedstaaten auf, eine flexiblere und weniger komplizierte Anwendung der Charta insgesamt *zu ermöglichen;*

Amendment 98

Paulo Rangel

Motion for a resolution

Paragraph 25

Motion for a resolution

25. Encoraja as instituições da UE e os Estados-Membros a adotarem uma interpretação mais flexível e sem restrições do artigo 51.º da Carta, a fim de permitir uma aplicação inequívoca da Carta no seu conjunto, *e a avaliarem a possibilidade de revogar este artigo em caso de eventual revisão dos Tratados no futuro;*

Amendment

25. Encoraja as instituições da UE e os Estados-Membros a adotarem uma interpretação mais flexível e sem restrições do artigo 51.º da Carta, a fim de permitir uma aplicação inequívoca da Carta no seu conjunto;

Or. pt

Amendment 99

Sylvia-Yvonne Kaufmann, Jo Leinen

Motion for a resolution

Paragraph 25 a (new)

Motion for a resolution

25 a. Encourages the Member States to review their procedural rules on legal scrutiny and impact assessments of bills from the perspective of the Charter of Fundamental Rights; such procedures should explicitly refer to the Charter, just like they do to national human rights instruments, to minimise the risk that the Charter is overlooked;

Amendment

Or. en

Amendment 100

Sylvia-Yvonne Kaufmann, Christine Revault d'Allonnes Bonnefoy, Jo Leinen

Motion for a resolution

Paragraph 25 b (new)

Motion for a resolution

Amendment

25 b. Regrets that up to date, the Republic of Poland and the United Kingdom have not decided to withdraw from Protocol 7 of the Treaties, ensuring their opt-out from the Charter.

Or. en