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DRAFT REPORT

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

Committee on Constitutional Affairs

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EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

Introduction

The adoption of the Charter of Fundamental Rights of the European Union ('the Charter') has represented a crossroad in the European integration's process. The EU took on a formal responsibility before its citizens: turning from an economic community into a Union based on rule of law and human rights. The Lisbon Treaty, by virtue of article 6(1) TEU, has constitutionalised such choice, by conferring the Charter same legal value as the Treaties.

Pursuant to article 51(1) of the Charter, the conduct of the EU institutions vis-à-vis the Charter constitutes the main reference point for analysing its scope and assessing the degree of implementation of its provisions. The report aims to evaluate, from an EU institutional perspective, the current state of play concerning the role of the Charter as a source of EU primary law, while suggesting further rooms for improvements.

Fact-finding activities

The following fact-finding activities were carried out:

– a study¹ of the Policy Department C of DG IPOL, presented in AFCO on 28.11.2017, in the presence of the Chair of the Council's Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) and a representative of the European Commission, Unit Fundamental Rights Policy;

– technical meetings with: the European Union Agency for Fundamental Rights (FRA) (10.01.2018), the European Commission, Unit Fundamental Rights Policy (22.02.2018), the Head of the Department of the European Social Charter, Council of Europe (13.03.2018), the European Ombudsman (30.05.2018);

– a legal opinion² of the FRA, presented in AFCO on 01.10.2018, based on the input collected from, *inter alia*, replies by the EU agencies to a questionnaire sent by the Chairperson of AFCO to all agencies.

The Charter in the EU legislative and decision-making processes

Notwithstanding relevant progresses made by the EU institutions to integrate the Charter into the legislative and decision-making processes, it still appears to be an under-evaluated instrument, not exploited to its full potential. The general tendency is that of focusing on avoiding its violation rather than on maximising its potential³, despite the fact that the duty of promoting its application is clearly spelled out in the Charter itself (article 51(1)).

Compatibility checks and impact assessments - the main tools at the Commission's disposal to

¹ 'The Implementation of the Charter of Fundamental Rights in the EU Institutional Framework', Prof. Olivier De Schutter, (PE 571.397).

² FRA Opinion – 4/2018 'Challenges and opportunities for the implementation of the Charter of Fundamental Rights', 24 September 2018.

³ European Union Agency for Fundamental Rights, *Fundamental Rights Report 2017*, p. 23.

evaluate, *ex ante*, the compliance of its proposals with fundamental rights, hence with the Charter - follow that path, highlighting a passive attitude toward the Charter rather than a proactive one. Specifically with regard to impact assessment, even if the role of human rights has been gradually enhanced, the primary focus lies on the traditional standards, namely economic, social and environmental factors. Meanwhile, Commission's proposals may significantly change in the course of the legislative process, with the danger of making impact assessment meaningless especially during the so-called trilogues: the opacity of these joint negotiations makes it extremely difficult to evaluate the conduct of the decision-making process and, at the same time, political and/or party considerations might prevail over other concerns. The IIA on Better-Law Making enables the co-legislators to carry out further impact assessments, but on optional basis. At the co-legislators level, the Parliament has well-established means to assess the respect for fundamental rights, among which a specific procedure provided for in its Rules of Procedure (Rule 38) which, nevertheless, has never been used. However, as in the case of the Commission, these are mainly internal procedures carried out by its own services. As far as the Council is concerned, despite the adoption of internal guidelines to check the conformity of the legislation with fundamental rights, it does not exist any formal impact assessment mechanism. Additionally, the lack of transparency of its legislative process, as recently reported by the European Ombudsman¹, makes it hard to ascertain its decisions-making.

In their field of action, EU institutions shall give full operability to the Charter's provisions by upholding both their negative (duties of abstention) and the positive (duties of action) obligations, in line with the requirements of the international human rights law. This responsibility is clearly reaffirmed in the TEU by virtue of articles 2 and 6 and in analogous obligations enshrined in the provisions having general applications of Title II, Part I, TFEU. In order to attain such objective, while also complementing the institutions' internal procedures, further measures could be envisaged: promoting a more structured and regulated cooperation with external independent bodies, such as the FRA, in assessing the human rights dimension of the legislative proposals; conducting separate and distinct fundamental rights impact assessments; establishing a mechanism to identify the need to take action at Union level to uphold and fulfil the provisions of the Charter and to make Union law compliant to the evolutionary nature of the international human rights law. It would also be appropriate to set up additional tools for conducting systematic *ex post* reviews of the consistency of the EU legislation with the Charter, currently left to the almost exclusive competence of the Court of Justice (CJEU). A human rights/Charter-based reporting and review clause included in the legislative texts could represent a starting point in this regard.

The Charter in the EU Policies

The Report will look at the role of the Charter particularly in two areas of EU policy-making.

First the external action, including the conclusion of trade agreements with third countries. In the specific field of Common Foreign and Security Policy (CFSP) the report will dwell on the restricted conditions under which the CJEU may exercise jurisdiction, hence on the lack of legal remedies against human rights' violations resulting from decisions adopted in this area. At the same time, the internal behaviour of the EU institutions vis-à-vis the Charter will represents the

¹ European Ombudsman, Decision in strategic inquiry OI/2/2017/TE on the transparency of the Council legislative process, 15.05.2018.

litmus test for evaluating its conduct in the external dimension. The ability of the EU to effectively develop a CFSP entirely compliant with the principles enshrined in article 21(1) TEU will depend on its acting in full compliance with these requirements internally.

Comprehensive trade agreements are particularly relevant for the potential far-reaching impact they might have on human rights. Despite the adoption of significant practices and guidelines to deal with the human rights' dimension of trade agreements, the report will suggest to go beyond the so-called 'integrated approach' currently followed by the Commission in its sustainability impact assessments, by fully endorsing the recommendations of the European Ombudsman¹ to carry out specific human rights impact assessments prior to the conclusions of any trade negotiation.

Second, the economic governance: a field in which the powers of the EU are very extensive and can highly affect human rights, but where the Charter is blatantly neglected. EU primary and secondary law do not assign, in this area, any explicit function to the Charter and they barely mention its provisions. Several instruments shaping the EU economic and monetary policy have been adopted outside the Union framework, subtracting the EU institutions from political responsibility while assigning them, however, strong roles of surveillance and implementation. Decisions and choices made without a proper assessment of the human rights' dimension, and by giving full priority to macroeconomic factors and conditionality, have already had deep repercussions on civil, economic and social rights, as also highlighted by the European Committee on Social Rights. In the view of the Rapporteur, the *Ledra Advertising* judgment of the CJEU should become the watershed for mainstreaming the Charter into the EU economic governance framework as well as into its intergovernmental dimension, becoming the benchmark for assessing the legitimacy of the measures proposed and adopted in this field.

Finally, a specific mention to the Eurogroup. Even if the CJEU has confirmed its informal nature and the non-binding character of its decisions², hence the immunity from article 263 TFEU, the political impact of its determinations and conclusions has deeply influenced the policy-making, circumventing the formalities of the EU law and 'de-institutionalising' the decision-making. In view of this enhanced *de facto* role, a clarification of its relevance vis-à-vis the Charter would be opportune.

Rights vs. Principles

The Charter is unique in combining, within a single document, civil and political, as well as social and economic rights, including 'third generation human rights'. Nevertheless, the unclear dichotomy between rights and principles, enshrined in articles 51(1) and 52 of the Charter, and reinforced by the explanations of the Charter, as well as the dissimilar level of protection afforded to them (rights to be respected/principles to be observed), risk undermining this hallmark. Moving towards a univocal 'conceptualisation' of all the articles enshrined in the Charter within the EU decision-making and policy-making processes, while having due regard to the primary role of the CJEU in interpreting the EU law, would contribute to confirm its unicity and strengthen its scope. Promoting a systematic synergy between the Charter and the other human rights law instruments, as well as between the competent supervisory bodies, would be mutually

¹ European Ombudsman in case 1409/2014/MHZ on the European Commission's failure to carry out a prior human rights impact assessment of the EU-Vietnam free trade agreement, 26.02.2016.

² Judgment of 20 September 2016 '*Mallis and others*', Joined Cases C 105/15 P to C 109/15 P, para. 61.

beneficial to reinforce the provisions and the obligations provided therein. The accession to the European Social Charter is an indispensable step forward the EU must take in this regard.

The Charter and the EU Agencies

EU agencies are bound to respect and promote the Charter as any other EU body. This duty is especially significant considering that they often act as operational link between the EU and national spheres, by supporting Member States and their relevant actors in fulfilling the responsibilities deriving from the EU law hence, potentially, in concretely implementing the provisions of the Charter. Looking at the current reality of the EU agencies, it emerges that the degree of internal awareness of the Charter as well as the establishment of internal procedures and/or tools to give effectiveness to its provisions, widely diverge accordingly to their mandate and nature. Several best practice are already in place that could be extended horizontally to all EU agencies. Additional tools – such as, for instance, the establishment of independent fundamental rights officers – would be beneficial for this purpose. Strengthening intra-agency cooperation and developing a structured dialogue with relevant human rights stakeholders are key elements of this process. The inclusion, by the EU legislator, of explicit references to the Charter in all the agencies' founding regulations is urgently needed.

Implementation of the Charter at national level

The 'national dimension' of the Charter complements the EU one. Inadequate implementation of the Charter at national level undermines its overall consistency and effectiveness. According to article 51(1) of the Charter, its provisions are addressed to the Member States only when they are implementing Union law. Despite clarifications made by the CJEU, national practices show that it is still difficult to assess whether and how the Charter applies in concrete. Interestingly, sometimes national judges use the Charter as positive source of interpretation even in cases that do not fall within the scope of EU law. More in general, however, that ambiguity, combined with a widespread 'awareness-gap' regarding the Charter and the lack of national policies aimed at promoting its application, lead to its substantial under-utilisation at national level. EU institutions and agencies could play a major role in filling these gaps by putting in place a wide-range of measures and actions aimed at supporting Member States in this regard. Anyway, it is of paramount importance to better clarify the scope and move towards a more unconstrained interpretation of article 51 of the Charter, while evaluating the possibility to set it aside in the event of a revision of the Treaties.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Articles 2, 3, 6, 7, 9, 10, 11, 21, 23 and 49 of the Treaty on European Union (TEU) and Articles 8, 9, 10, 11, 12, 15, 16, 18, 19, 20, 21, 22, 23, 24, 67(1), 258, 263, 267 and 352 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the case law of the European Court of Human Rights,
- having regard to the European Social Charter, the Additional Protocol thereto and the revised version thereof, and the jurisprudence of the European Committee of Social Rights,
- having regard to the Memorandum of Understanding between the Council of Europe and the European Union,
- having regard to the Opinions and the Rule of Law Checklist of the Venice Commission,
- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,
- having regard to the UN Guiding principles on human rights impact assessments of trade and investment agreements and to the UN Guiding Principles on Business and Human Rights,
- having regard to its resolution of 15 March 2007 on compliance with the Charter of Fundamental Rights in the Commission's legislative proposals: methodology for systematic and rigorous monitoring¹,
- having regard to its annual resolutions on the situation of fundamental rights in the EU,
- having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights²,
- having regard to its resolution of 19 January 2017 on a European Pillar of Social

¹ OJ C 301 E, 13.12.2007, p. 229.

² OJ C 215, 19.6.2018, p. 162.

Rights¹,

- having regard to its resolution of 14 September 2017 on transparency, accountability and integrity in the EU institutions²,
- having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents³,
- having regard to Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights⁴,
- having regard to the Commission communication of 27 April 2005 entitled ‘Compliance with the Charter of Fundamental Rights in Commission legislative proposals – Methodology for systematic and rigorous monitoring’ (COM(2005)0172),
- having regard to the Commission Report of 29 April 2009 on the practical operation of the methodology for a systematic and rigorous monitoring of compliance with the Charter of Fundamental Rights (COM(2009)0205),
- having regard to the Commission communication of 19 October 2010 entitled ‘Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union’ (COM(2010)0573),
- having regard to the Commission Staff Working Paper of 6 May 2011 entitled ‘Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments’ (SEC(2011)0567),
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council of 12 December 2011 entitled ‘Human rights and democracy at the heart of EU external action – Towards a more effective approach’ (COM(2011)0886),
- having regard to the ‘EU Strategic Framework and Action Plan on Human Rights and Democracy’ of 25 June 2012,
- having regard to the Council Guidelines of 20 January 2015 on methodological steps to be taken to check fundamental rights compatibility at the Council preparatory bodies,
- having regard to the Guidelines for Council preparatory bodies entitled ‘Fundamental rights compatibility’,
- having regard to the Council Presidency seminar report of 13 May 2016 entitled ‘National policy application of the EU Charter of Fundamental Rights’,

¹ OJ C 242, 10.7.2018, p. 24.

² OJ C 337, 20.9.2018, p. 120.

³ OJ L 145, 31.5.2001, p. 43.

⁴ OJ L 53, 22.2.2007, p. 1.

- having regard to the Commission Guidelines of 19 May 2015 on the analysis of human rights impacts in impact assessments for trade-related policy initiatives,
- having regard to the Commission annual reports on the Application of the EU Charter of Fundamental Rights,
- having regard to the Commission Annual Colloquia on Fundamental Rights,
- having regard to the Judgment of the Court of Justice of the European Union (CJEU) of 20 September 2016, in Joined Cases C-8/15 P to C-10/15 P, *Ledra Advertising Ltd v European Commission and European Central Bank (ECB)*¹,
- having regard to Opinion 4/2018 of the European Union Agency for Fundamental Rights (FRA) of 24 September 2018 entitled ‘Challenges and opportunities for the implementation of the Charter of Fundamental Rights’,
- having regard to the annual fundamental rights reports of the European Union Agency for Fundamental Rights,
- having regard to the Handbook of the FRA of October 2018 entitled ‘Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level – Guidance’,
- having regard to the Better Regulation Toolbox, in particular Tool #28 ‘Fundamental rights & human rights’,
- having regard to Rule 38 of its Rules of Procedure,
- having regard to the Decisions of the European Ombudsman of 26 February 2016 in case 1409/2014/MHZ on the European Commission’s failure to carry out a prior human rights impact assessment of the EU-Vietnam free trade agreement, of 18 January 2017 in the joint inquiry into complaints 506-509-674-784-927-1381/2016/MHZ against the European Commission concerning a human rights impact assessment in the context of the EU-Turkey Agreement, and of 15 May 2018 in strategic inquiry OI/2/2017/TE on the transparency of the Council legislative process,
- having regard to the Opinion of the Secretary General of the Council of Europe of 2 December 2016 on the European Union initiative to establish a European Pillar of Social Rights,
- having regard to the General Report of the High Level Conference on the European Social Charter, held in Turin on 17 and 18 October 2014,
- having regard to the Paper from the Dutch COSAC delegation on EU transparency of November 2017 entitled ‘Opening up closed doors: Making the EU more transparent for its citizens’, and to the letter of the COSAC Delegations to the EU Institutions of 20 December 2017 on the transparency of political decision-making within the EU,
- having regard to the studies entitled ‘The implementation of the Charter of Fundamental

¹ ECLI:EU:C:2016:701.

Rights in the EU institutional framework’, ‘The interpretation of Article 51 of the EU Charter of Fundamental Rights: the Dilemma of Stricter or Broader Application of the Charter to National Measures’ and ‘The European Social Charter in the context of implementation of the EU Charter of Fundamental Rights’ published by its Directorate-General for Internal Policies on 22 November 2016, 15 February 2016 and 12 January 2016 respectively¹,

- having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Employment and Social Affairs, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Women’s Rights and Gender Equality and the Committee on Petitions (A8-0000/2018),
- A. whereas the Lisbon Treaty has conferred the status of primary law on the Charter of Fundamental Rights of the European Union (hereinafter the Charter) within the EU legal framework, having the same legal value as the Treaties;
- 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;
- C. whereas the Charter encompasses, in line with the requirements of international human rights law and of its Article 51, both negative (non-violation) and positive (active promotion) obligations which should be equally fulfilled in order to give full operational character to its provisions;
- D. whereas the institutions, bodies, offices and agencies of the Union are continuously bound by the Charter, even when they act outside the EU legal framework;
- 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 de facto shortfall in its implementation at national level;
- 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;
- G. whereas the potential of the social and economic rights set out in the Charter has not been adequately exploited so far; whereas, recalling the opinion of the Secretary

¹ Study entitled ‘The implementation of the Charter of Fundamental Rights in the EU institutional framework’, European Parliament, Directorate-General for Internal Policies, Policy Department C, 22 November 2016; study entitled ‘The interpretation of Article 51 of the EU Charter of Fundamental Rights: the Dilemma of Stricter or Broader Application of the Charter to National Measures’, Directorate-General for Internal Policies, Policy Department C, 15 February 2016 and study entitled ‘The European Social Charter in the context of implementation of the EU Charter of Fundamental Rights’ of 12 January 2016.

General of the Council of Europe, respect for social rights is not only an ethical imperative and a legal obligation, but also an economic necessity;

- H. whereas the transparency of the EU legislative and decision-making processes is an essential precondition for citizens to be able to assess and properly monitor the implementation of the Charter by the EU institutions;
- I. whereas the promotion of the broad spectrum of rights provided for in the Charter – ranging from civil and political to social, economic and third-generation rights – would constitute a crucial impetus to develop a European public sphere and to give tangible expression to the concept of European citizenship and to the EU participatory dimension enshrined in the Treaties;

Strengthening the integration of the Charter in the legislative and decision-making processes

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;
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 organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;
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;
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;
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 rights¹;

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;
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 trilogues², 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;

Mainstreaming the Charter into EU policies

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;
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;
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;
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;
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;
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

¹OJ C 215, 19.6.2018, p. 162.

²Judgment of the General Court of 22 March 2018, *Emilio de Capitani v European Parliament*, T-540/15, ECLI:EU:T:2018:167.

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;

14. Deplores the limited jurisdiction of the CJEU in the field of Common Foreign and Security Policy (CFSP), and warns against any potential limitation of the rights to an effective remedy as enshrined in the Charter and in the ECHR;
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;

The Charter and the EU Agencies

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;
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;
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;
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;

Supporting Member States in implementing the Charter at national level

20. Recalls that the EU and national dimensions of the Charter are inextricably linked and complement each other in ensuring that the Charter's provisions are consistently applied within the overall EU legal framework;
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;

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

Toward a more consistent interpretation of the Charter

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;
 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;
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26. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.