

Speech of Mr. **Franco FRATTINI**,

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Public seminar:

Promoting EU Fundamental Rights Policy: from words to deeds or how can rights be made a reality?

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Thank you very much chairman and thank you for giving me this opportunity to return to the European Parliament to stress some of the thrust of our action and in my brief comments I will start by etching out the prospect of Europe which as you put it chairman may and must be a living protagonist in promoting and protecting fundamental rights, those rights which we included in the European Charter which we have included as a pillar of the future Constitutional Treaty.

We need to do this because we have a challenge here which our citizens are asking us to take up and to win. Above all we need policies which will allow Europe to promote rather than proposing particular models stimulating a strong dialogue which will not be confined as I see it to the geographical parameters of the Union.

I think therefore that the first point is that we need an active European Union policy to promote rather than just guaranteeing and defending rights. This is a strategy which clearly will require some time and above all it must be reflected in the specific initiatives undertaken by the Commission already and those which will be undertaken in the future.

I am sure you are probably already aware that I proposed an agreement with the President of the Commission Mr. Barroso, that every Commission initiative at what ever level should contain a before the fact assessment of its possible impact on fundamental rights.

In other words, we have to reply to the following questions: Will these Commission initiatives improve the level of promotion and protection of fundamental rights or not? That initiative has been endorsed. Very recently, we have set out a mechanism to ensure that this can actually work in practice. What this means is that whole Commission feels involved in this initiative. This is an action for the European Union and all its institutions, your house and the Council as well of course the Commission.

I believe that above and beyond the geographical confines of the Union, which I will say on something shortly, there is a challenge for us also in terms of our relations with our neighbours. The point has been made and I agree with this position that in our neighbourhood policies we have to play a strong role too together with other institutions who have a very long tradition in this area, above all the Council of Europe. I do think, though, that the European Union must be active in this area.

Let me just give you one example. An action that we intend to pursue is the inclusion in all our action plans together with countries covered by the Community's neighbourhood policy of a clear clause requiring the respect and protection of fundamental rights. In doing this, European Union is not imposing its own model but is requiring those countries who will be our partners to respect certain principles on which there can be no going back and on which there can be no negotiation.

Perhaps you allow me on this occasion to say that, in political action, the European Union cannot close its eyes to what occurs in a country that we have helped to emerge from the spiral of terrorism, I am referring of course to Afghanistan. We hear terrible news of women still being stoned to death. This principle is something which for us is a moral value, the sort of moral value that our chairman, Mr Cavada, has quite rightly just referred to.

Our second policy goal is this: we need to make sure that the right to security and the fight against terrorism above all, can be reconciled with full protection of the fundamental rights of individuals. I agree absolutely with everything I have heard in the

preparatory statements from other speakers. People's freedoms and rights must not and cannot be thrown into conflict one with in another. And it is with that in mind I will interpret my role as the Vice President of the Commission, with responsibility for security and the protection of fundamental rights. That is why a few weeks from now I will be bringing forward my action plan to flesh out the Hague strategy particularly when it comes to fighting terrorism and preventing it. Now that will happen but at the same time of course we will refer to the principle of respecting peoples fundamental rights.

Good practise will show us how we can prevent and fight terrorism without sacrificing the fundamental values surrounding the individual. I have spoken at some length about the right to privacy in this house. And I want to repeat once again: the right to privacy cannot be sacrificed in the name of the vital tough action we do need to fight against organised crime. We have some tools available to us. Of course, we are closely linked to constitutional tradition of the member states as well as the work of the United Nations and the Council of Europe. In these organisations, Europe, once again, can play a political role.

I agree very much on the need finally to find a definition of terrorism, which can be accepted and shared. We have a good basis for this, we have the European Framework Decision adopted in 2002 but that is not enough. There are some states around the world, sovereign states, who do not agree with us on the notion, the concept, of terrorism and terrorist organisations. That of course means that we have to work within international bodies. We have clear reference points, the United Nations but also the European Convention on Human Rights and there is very substantial body of case law from the Court in Strasbourg, which has worked and continues to work in an irreproachable fashion.

I agree with the Chairman, Mr Cavada, in saying that the European Charter of Fundamental Rights and the constitutional footing being found for it are one of the vital pillars which provide the justification for our work in full conviction for the adoption and the ratification of the Constitutional Treaty. This will allow Europe to take a great step

forward if the Constitutional Treaty comes into force. But not only if it happens, the Constitutional Treaty will have a symbolic value as a founding document of the enlarged 25 member European Union too.

We have been working to develop the Community acquis, in the entry negotiations we encouraged policies in the candidate countries, which moved very much in this direction. There was talk yesterday of minority rights and that is one of the issues, which we worked hardest on.

I do not think that it is enough however. That is why the Agency, the European Agency of fundamental rights, is so desirable. That should get down to work in 2006, if we have consensus. Once the Constitutional Treaty has entered into force that can provide us with a very useful instrument. It will be a major tool for guaranteeing above all that the European Union's legislation can implement it. It will make the most of the existing monitoring centre in Vienna that will be absorbed into its terms of reference but it will be greatly extended of course. There will be other areas where the Agency may be helpful in providing Europe with a stronger means of working within the European Union but also in our relations with candidate countries.

I agree that if there is a request, if there is an agreement reached with candidate countries we could on a small scale extend the scope of work. But for non candidate countries the jury is still out as you know. Initiatives up until now have been extremely positive. Let me remind you of the last instance at the end of January.

Mrs Gal, the rapporteur, has done a wonderful job and the whole Committee indeed. The Commission is now ready to come forward with a proposal. I will be tabling this in May, I think the 25th May will be the date the Commission ought to make a decision. I have every confidence that the current presidency in office and subsequent presidencies will be able to use this as a basis for their work.

One last point I would like briefly to touch upon is this: relations with Parliament. As you know I have restated time and again that Parliament's contribution is vital particularly in such area as this. The representatives of the citizens should play a stronger role.

Without going any further let me say that I am very much in favour of providing a legal basis for codecision with Parliament. I know that codecision is an idea that is already being addressed by your rapporteur, and your chairman Mr Cavada, and the various services in Parliament. I feel that we have to find some sort of solution which will allow us to find a legal base which will be more effective than the one which excludes Parliament, only allowing it to issue an opinion. I think that codecision will strengthen all the European institutions and I feel committed to working towards that. I know that in that endeavour I shall enjoy the support of this house.

May I close chairman by saying that the promotion and protection of fundamental rights has always been one of the fundamental pillars of European citizenship. We feel that this base of values which embodies European citizenship today is a base of values which Europe can use to shine out in the international community. All the European institutions working together will be better placed to take up this challenge.

Thank you.