

Conclusions of the Cologne European Council: extract concerning the Charter of Fundamental Rights (3 and 4 June 1999)

Caption: On 3 and 4 June 1999, the Cologne European Council emphasises the need to draw up a Charter of Fundamental Rights of the European Union and proposes that, once solemnly proclaimed, it could then be incorporated into the Treaties.

Source: Presidency Conclusions - Cologne European Council (3 and 4 June 1999). [ON-LINE]. [Brussels]: Council of the European Union, [23.03.2005]. SN 150/99. Available on http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/83201.pdf.

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Cologne European Council (3 and 4 June 1999) Presidency Conclusions

I. Introduction

1. The European Council met in Cologne on 3 and 4 June 1999 to consider major issues for the future following the entry into force of the Amsterdam Treaty.

[...]

EU Charter of Fundamental Rights

44. The European Council takes the view that, at the present stage of development of the European Union, the fundamental rights applicable at Union level should be consolidated in a Charter and thereby made more evident.

[...]

Annex IV

European Council Decision on the drawing up of a Charter of fundamental rights of the European Union

Protection of fundamental rights is a founding principle of the Union and an indispensable prerequisite for her legitimacy. The obligation of the Union to respect fundamental rights has been confirmed and defined by the jurisprudence of the European Court of Justice. There appears to be a need, at the present stage of the Union's development, to establish a Charter of fundamental rights in order to make their overriding importance and relevance more visible to the Union's citizens.

The European Council believes that this Charter should contain the fundamental rights and freedoms as well as basic procedural rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and derived from the constitutional traditions common to the Member States, as general principles of Community law. The Charter should also include the fundamental rights that pertain only to the Union's citizens. In drawing up such a Charter account should furthermore be taken of economic and social rights as contained in the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers (Article 136 TEC), insofar as they do not merely establish objectives for action by the Union.

In the view of the European Council, a draft of such a Charter of Fundamental Rights of the European Union should be elaborated by a body composed of representatives of the Heads of State and Government and of the President of the Commission as well as of members of the European Parliament and national parliaments. Representatives of the European Court of Justice should participate as observers. Representatives of the Economic and Social Committee, the Committee of the Regions and social groups as well as experts should be invited to give their views. Secretariat services should be provided by the General Secretariat of the Council.

This body should present a draft document in advance of the European Council in December 2000. The European Council will propose to the European Parliament and the Commission that, together with the Council, they should solemnly proclaim on the basis of the draft document a European Charter of Fundamental Rights. It will then have to be considered whether and, if so, how the Charter should be integrated into the treaties. The European Council mandates the General Affairs Council to take the necessary steps prior to the Tampere European Council.

[...]