



European Commission

2014 Report on the Application of the EU Charter of Fundamental Rights: Factsheet



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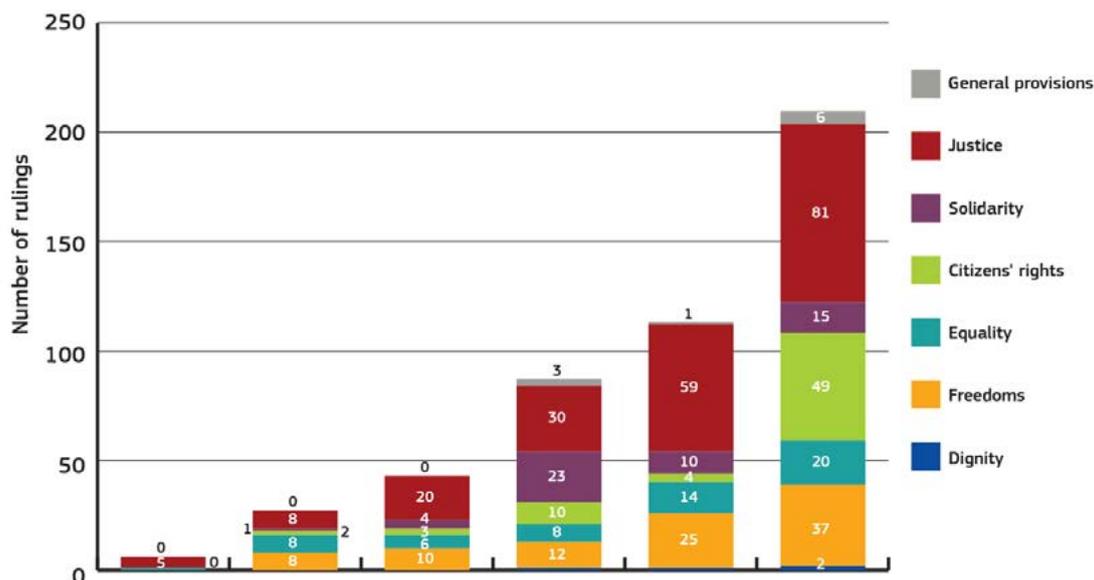
This annual report shows how the EU and its Member States gave effect to the EU Charter of Fundamental Rights in 2014. Five years after it became legally binding, we see a marked increase in references to the Charter, as a fundamental guardian of citizens' rights.

The Charter was mentioned in 5 infringement proceedings in 2013, and **11 in 2014**.

The Charter applies to the EU in all its actions: whether it's adopting legislation, managing funds, or in its external actions

In 2014, 210 decisions in EU Courts¹ referenced the Charter,² compared with 114 in 2013, 97 in 2012, and 43 in 2011.

Overview of CJEU case law which directly quotes the Charter or mentions it in its reasoning



¹ General Court, Civil Service Tribunal, and Court of Justice (CJEU).

² See Appendix I in the Staff Working Document for an overview of 2014 CJEU case law that directly quotes the Charter or mentions it in its reasoning.

The First Annual Colloquium on Fundamental Rights / 1-2 October 2015



In his hearing before the European Parliament, First Vice-President Frans Timmermans committed to organise **every year a Colloquium on the state of play of fundamental rights in the EU**, to improve mutual cooperation and political engagement for the promotion and protection of fundamental rights. **The first Annual Colloquium on Fundamental Rights will take place on 1-2 October 2015**. It will focus on promoting tolerance and respect, with particular attention on preventing and combating anti-Semitic and anti-Muslim hatred.

Fundamental Rights in the EU

The EU Charter of Fundamental Rights is binding on all EU institutions in all their actions: when they adopt legislation, when they manage EU funds, and in their external actions. Member States, when implementing Union law, are also under an obligation to respect the Charter.

The Commission ensures respect for the Charter in all policy fields, working closely with national, European and international organisations to ensure the promotion of fundamental rights.

During the legislative process, **the EU carries out systematic fundamental rights checks to guarantee that draft EU legislation complies with the Charter**. All EU institutions involved in law-making are required to mainstream the Charter throughout the legislative process.

The Commission oversees respect of the Charter by Member States, when they implement EU law. If it becomes aware of a breach, the Commission can open infringement proceedings, and ultimately take cases to the European Court of Justice. National judges play a key role in upholding fundamental rights and the rule of law. In 2014, Member State high courts continued referring to the Charter for guidance and inspiration.

EU accession to the ECHR

The report provides an update on the EU accession to the European Court of Human Rights (ECHR). In spite of the European Court of Justice's opinion on the draft agreement on 18 December 2014, which identified problems as to its compatibility with EU law, the Commission remains fully committed to EU accession to the ECHR and is examining the best way forward.

Accession will strengthen fundamental values, improve the effectiveness of EU law and enhance the coherence of fundamental rights protection in Europe.



Fundamental Rights in the Digital Age

For the first time, the 2014 report includes a section on the important emerging issue of **fundamental rights in the digital sphere**. The digital revolution has created opportunities for all: businesses, citizens, and society as a whole. But it has also raised concerns over the effective protection of fundamental rights with the diverse possibilities to collect, use and distribute information.

Citizens have the right to adequate protection of their fundamental rights on-line as well as off-line. In particular this includes the protection of personal data, as guaranteed by Article 8 of the Charter.

With the EU's adoption of the **Digital Single Market Strategy** on May 6, this is becoming increasingly important. Building **confidence and trust in the online world** are key elements for the creation and success of the Digital Single Market. Vital to this is the strong and efficient protection of fundamental rights online, including the **Data Protection Reform**.

The European Council has called for the adoption of the Data Protection Reform in 2015.

Data Protection in the Court of Justice

In 2014, the European Court of Justice delivered landmark judgments on the right to privacy and the right to data protection, underlining the need to protect fundamental rights correctly in the digital environment.

- In the **Google Spain and Google case**³, the Court of Justice (CJEU) clarified that search engines are controllers of personal data, therefore search engines established in the EU have to comply with requests to remove links to certain personal data under certain circumstances. Even if the physical server is located outside Europe, EU rules apply to search engine operators if they have a branch or a subsidiary in a Member State which promotes the selling of advertising space. For more information, see the [factsheet](#).
- In the **Digital Rights Ireland**⁴ case, the judgment clarified that specific safeguards to protect fundamental rights have to be included in secondary EU legislation and cannot be left to the discretion of the national legislator. More generally, the judgment sent a clear signal to all EU institutions involved in law-making about the need to mainstream the Charter throughout the legislative process.

³ CJEU Judgment of 13.5.2014 in Case C-131/12

⁴ CJEU judgment of 8.4.2014 in Cases C-293/12 and C-594/12 Digital Rights Ireland and Kärntner Landesregierung,