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La version anglaise a également fait l'objet d'une révision juridique.

O.J. 1515

TEXTE EN

APPLICATION DE LA CHARTE DES DROITS FONDAMENTAUX DE L'UNION EUROPÉENNE

Communication de M. le **PRESIDENT** et de M. **VITORINO**

Cette question est inscrite à l'ordre du jour de la 1515ème réunion de la Commission, le mardi 13 mars 2001.

Destinataires : Membres de la Commission
Directeurs généraux et chefs de service



EUROPEAN COMMISSION

Brussels,

**MEMORANDUM FROM THE PRESIDENT AND
MR VITORINO**

**APPLICATION OF THE CHARTER OF FUNDAMENTAL
RIGHTS OF THE EUROPEAN UNION**

The Charter of Fundamental Rights of the European Union was solemnly proclaimed at the Nice European Council by the President of the Commission, on behalf of the Commission, ~~and by acting jointly with~~ the Presidents of the Council and the European Parliament. It has since been published in the Official Journal.¹

There can be no doubt ~~that the Charter is a basic instrument~~ as to its fundamental nature. It has been devised and drafted with the utmost care.

The Commission, like the other institutions, ~~needs to~~ must look ~~at~~ to the practical implications of this historic event and make compliance with the rights contained in the Charter the ~~guiding thread~~ touchstone for its action.

¹ OJ C 364, 18 December 2000, p.1.

This must be ~~a~~ an overriding requirement in the Commission's day-to-day business, both in relations with the general public and with ~~the parties~~ those to whom our decisions are addressed and in our internal rules and procedures.

But it must also be reflected in the way the Commission exercises its right to initiate legislation and its power to ~~make regulations~~ lay down rules.

Any proposal for legislation and any draft instrument to be adopted by the Commission will therefore, ~~when being prepared under~~ as part of the normal decision-making procedures, first be scrutinised for compatibility with the Charter.

~~In addition~~ **Moreover, legislative proposals or draft instruments which have a more specific link with fundamental rights will ~~have~~ incorporate the following recital ~~added~~ as a formal statement of compatibility:**

"This ~~fact~~ respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union."

When certain rights and/or individual principles of the Charter are specifically involved, a second ~~phrase~~ sentence may be added:

"In particular, this [act] seeks to ensure full respect for [right XX] *and/or* to promote the application of [principle YY] / [Article XX *and/or* Article YY of the Charter of Fundamental Rights of the European Union]."

~~In external relations the~~ The Commission's action in the field of external relations will also be guided by compliance with the rights and principles contained in the Charter, in keeping with Article 177 of the EC Treaty and with Article 181A of the EC Treaty as introduced by the Treaty of Nice.

The Commission is accordingly requested to

- approve the above arrangements for application of the Charter of Fundamental Rights;***
- authorise the Secretariat-General to distribute this memorandum to all departments.***