

The Charter of Fundamental Rights

A landmark in the institutional maturity of the European Union

Summary

The fact that European integration is proceeding with different paces explains the delay noted at the protection of the European citizen's rights and of every person living in the Union. When European integration began expanding in new fields, where citizen's and personal freedom was obviously and more intensely at stake, the *Maastricht* (1991) and the *Amsterdam Treaty* (1996) attempted to provide a solution.

Within that context, the initiative for the drafting of a Charter of Fundamental Rights was taken at the Cologne Summit of June 1999. The accomplishment of the ambitious task was entrusted to the *Convention*, an agent unprecedented in the history of the European Union. In the light of the mandate and the nature of the Convention, *the choices remained strictly within the framework of the Union's Constitutive Treaties*. The questions that were discussed intensively and sometimes tormented the Convention, regarded mainly:

a) the compliance of the Charter with the definitions of the Treaties, b) the prevention of expanding the competences of the European Union, c) the creation of an autonomous system of rights' protection, d) the relation of the Charter to the ECHR, e) the prevention of an eventual constitutional reform in the member states, and f) the avoidance of additional fiscal burdens.

The Charter protects the fundamental civil, political and social rights and also includes *new rights* intended to deal with current challenges. The Charter does not follow the traditional pattern and instead arranges the rights into six new distinct groups *corresponding to six principles-values*. Holder of the rights is every person that lives and works legally in the Union. Addressees of the Charter's provisions are the institutions and the bodies of the European Union and the national authorities.

A major issue was the *character of the Charter*. *The solution that prevailed is temporary* and will not impede the Charter from contributing to the institutional maturity of the Union. The Charter brings the citizen at the center of the European political system and creates the conditions that will allow him to participate as a major player in *the European historical process*. Under these circumstances the Charter functions as the basic tool for the *new structure of the European Union*.
