

Make the Charter legally binding

Emergency Statement on the Charter of Fundamental Rights adopted by the XIth ETUC Congress on 24 May 2007

The ETUC has learned with deep concern of proposals being drawn up in secretive intergovernmental discussions to relegate the importance of the Charter of Fundamental Rights in any new shortened treaty for the European Union. The Charter would have been fully incorporated if the draft constitutional treaty had been adopted as the ETUC wishes. There is very wide support for the Charter being fully recognised in EU law. Its present legal status is that it applies fully to the EU institutions, but there is an ambiguity about how it applies to Member States, a major limitation.

The Charter of Fundamental Rights was approved at the European Council in Nice in 2000. The ETUC held a mass demonstration of 60,000 in Nice to call for its adoption as a part of the Nice Treaty so as to make it fully binding on the EU and Member States. That was not successful. But in 2001, after another mass demonstration of 100,000 in Brussels, the ETUC obtained representation on the Convention charged with revising the European treaties. That Convention, whose work was carried out with wide public participation, recommended the Charter's full incorporation in the European treaties.

It is now the most progressive Charter achieved by a trade union movement in the world. It puts economic and social rights on an equal footing with human rights generally. Specifically, it guarantees rights to information and consultation, rights to negotiate and to take collective action including strikes. It guarantees protection against unfair dismissals, social security rights and the principle of fair working conditions. It also guarantees access to public services.

Action

For the ETUC, the Charter is a fundamental part of the future of Europe. The Charter was designed to bring Europe closer to the people and if it is to be dropped or diminished, this will damage further social Europe generally. It is the basis of an ambitious social policy that takes into consideration the need for an inclusive society leading to more and better jobs.

The EU governments, the European Commission and the European Parliament need to be clear that the ETUC will not support any new treaty that does not give the Charter unambiguous legally binding status. We will campaign against any moves aimed at omitting it or relegating its importance, including action aimed at the European and national parliaments. In the meantime we are mobilising ourselves to make our views heard by the heads of government attending the summit on June 21-22 in Brussels. In addition, we will ask affiliates in every country to campaign to make sure that heads of government attending the EU summit take the right decision. When social Europe is in danger, so is Europe generally.

There will be a delegation of union leaders, supported by a demonstration of trade unionists, who will meet the Presidents of the European Commission and Parliament and the Belgian Government. We will be asking affiliates to send delegates to this demonstration as we go on the offensive for the Charter of Fundamental Rights.