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HIGHLIGHTS ABOUT THE UNION WE LIVE

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European Commission reports on the application of the Charter of fundamental rights in the EU in 2016

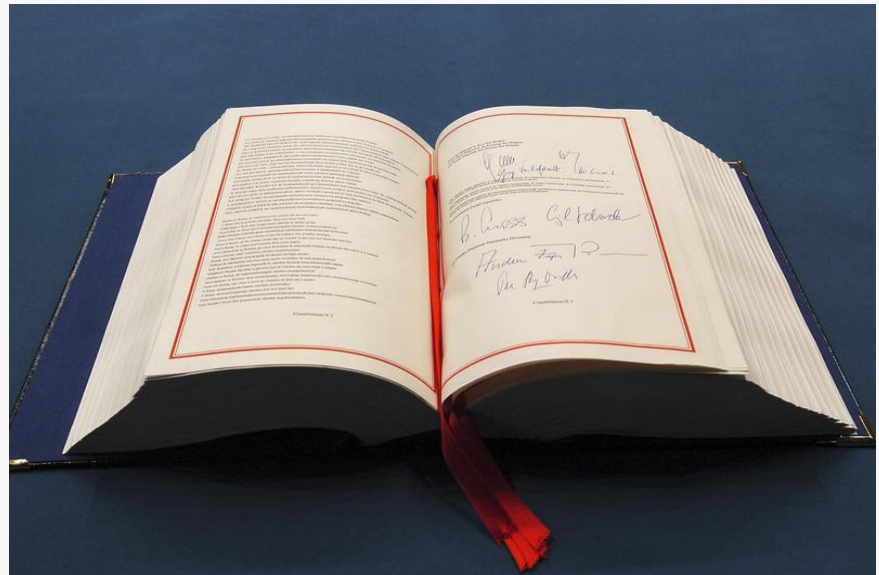
The European Commission has published its annual Report on the application of the EU Charter of Fundamental Rights.

The report outlines the initiatives taken in 2016 by the EU to strengthen fundamental rights. It also looks at how these rights were applied across a range of EU policies and in the Member States in 2016.

First Vice-President Frans **Timmermans** said: *"The European Union is not just a market or a currency, it is first and foremost a Union of values. As guardian of the Treaties the European Commission has a special duty to uphold the fundamental rights and the rule of law throughout this Union, a responsibility which we share with all the EU's institutions and Member States."*

Věra **Jourová**, EU Commissioner for Justice, Consumers and Gender equality added: *"The European Commission has been working in all areas of EU law to safeguard fundamental rights across Europe. This includes protecting children's rights, strengthening the right to personal data protection, improving consumers' rights and guaranteeing basic conditions also for people seeking asylum or migrating. We must continue to make sure that rights are a reality for everyone across Europe. Fundamental rights are for all."*

This year's Report concludes that recent developments pose serious threats to fundamental rights. The Commission will ensure that all EU legislative proposals and all bodies bound by the Charter will continue to respect it. We will pay particular attention to the important system of checks and balances, in particular the key role of supreme courts and constitutional courts in upholding the EU's common values.



Media freedom and pluralism are indispensable cornerstones of healthy democracies. The Commission organised the 2016 EU Colloquium on Fundamental Rights on the role of media in upholding democracy, fundamental rights and the rule of law. The Colloquium conclusions identify concrete actions to foster media freedom and ensure independence from political and financial pressures, to empower and protect journalists, and to promote a diversity of voices in society.

The 2017 Colloquium on Fundamental Rights will focus on the promotion and protection of women's rights and gender equality. In a context of rising intolerance, it is important that the EU strongly reaffirms and promotes equal rights for all. It will be an opportunity to address the economic and political empowerment of women, women's rights in public and private spheres of life and the fight against violence against women in all its forms, the latter being also the topic of focused actions throughout 2017.

European Commission acts to preserve the rule of law in Poland

The Commission substantiates its grave concerns on the planned reform of the judiciary in Poland in a **Rule of Law Recommendation** addressed to the Polish authorities. In the Commission's assessment, this reform amplifies the systemic threat to the rule of law in Poland already identified in the rule of law procedure started by the Commission in January 2016. The Commission requests the Polish authorities to address these problems within one month. The Commission asks the Polish authorities notably not to take any measure to dismiss or force the retirement of Supreme Court judges. If such a measure is taken, the Commission stands ready to immediately trigger the **Article 7(1) procedure** – a formal warning by the EU that can be issued by four fifths of the Member States in the Council of Ministers.

The Rule of Law Recommendation adopted today complements two previous Recommendations, adopted on 27 July and 21 December 2016, and concerns the lack of an independent and legitimate Constitutional review in Poland. As it stands, the Polish authorities have still not addressed the concerns identified in the first two Recommendations. Moreover the Polish authorities have now taken additional steps which aggravate concerns about judicial independence and significantly increase the systemic threat to the rule of law in Poland.

The Commission's Rule of Law Recommendation sent today to Poland covers **four new legislative acts** now adopted by the Polish Parliament which in the Commission's assessment will increase the systemic threat to the rule of law: the Law on the Supreme Court, the Law on the National Council for the Judiciary (both 'vetoed' on 24 July by the President of the Republic), the Law on the Ordinary Courts Organisation (signed by the President of the Republic on 25 July and awaiting publication and entry into force); and the Law on the National School of Judiciary (published and in force since 13 July). These Laws, in their current form, will structurally undermine the independence of the judiciary in Poland and have an immediate and very significant negative impact on the independent functioning of the judiciary.

In particular, the dismissal of Supreme Court judges will seriously aggravate the systemic threat to the rule of law. The Commission therefore asks the Polish authorities not to take any measure to dismiss or force the retirement of the Supreme Court judges. Should the Polish authorities take such measures, the Commission is ready to immediately activate the mechanism set out in **Article 7(1) of the Treaty on European Union**. The Commission's Recommendation invites the Polish Government to address the problems within one month, and to inform the Commission of the steps taken to that effect. The Commission stands ready to pursue a constructive dialogue with the Polish Government. With regards to the infringement procedure, the Commission will send the Letter of Formal Notice once the Law on the Ordinary Courts is published.

Relocation and Resettlement: Commission calls on all Member States to deliver and meet obligations

The Commission adopted its twelfth progress report on the EU's emergency relocation and resettlement schemes, assessing actions taken since 12 April 2017. As a result of the increased efforts of Member States, the number of persons relocated so far in 2017 is almost as many as in the whole of 2016. The total number of relocations now stands at 18,418, proving that relocation works if there is the will to abide by what was agreed together in a spirit of sincere cooperation. However, whilst most Member States are active and relocate regularly, some have still not relocated at all, disregarding their legal obligation. On resettlement, Member States have continued to make significant progress, with safe and legal pathways being provided to 16,163 persons so far, beyond two thirds of the agreed resettlements under the EU scheme. Building on the recommendations from the previous month, today's report is in particular focusing on those Member States that are not delivering on their commitments.

The resettlement scheme as a whole remains on track. With 16,163 persons resettled to 21 countries as of 12 May, more than two thirds of the agreed 22,504 resettlements under the EU resettlement scheme have already been carried out. Since 10 April 2017, 671 people have been resettled; mainly from Turkey, but also from Jordan and Lebanon. This represents important progress when compared to the limited numbers Member States resettled in 2014 and 2015 via national or multilateral schemes and clearly demonstrates the added value and potential of strengthened EU-level cooperation and coordination on resettlement.

Fundamental rights in Hungary: MEPs call for triggering Article 7

The situation in Hungary justifies the triggering of the procedure which may result in sanctions for Hungary, MEPs say in a resolution adopted. The resolution calls for:

- the launching of Article 7(1). MEPs instruct the Committee on Civil Liberties, Justice and Home Affairs to draw up a formal resolution for a plenary vote
- the Hungarian Government to repeal laws tightening rules against asylum-seekers and non-governmental organisations, and to reach an agreement with the US authorities, making it possible for Central European University to remain in Budapest as a free institution
- the European Commission to strictly monitor the use of EU funds by the Hungarian Government

A test for the EU

Recent developments in Hungary have led to a serious deterioration in the rule of law, democracy and fundamental rights which is testing the EU's ability to defend its founding values, MEPs say. They also repeated the need for a process to safeguard the EU's core values supported in the resolution of 25 October 2016.

The resolution was adopted by 393 votes to 221 with 64 abstentions.

Countering online hate speech – Commission initiative with social media platforms and civil society shows progress

One year ago, the European Commission and four major social media platforms announced a Code of Conduct on countering illegal online hate speech. It included a series of commitments by Facebook, Twitter, YouTube and Microsoft to combat the spread of such content in Europe. An evaluation carried out by NGOs and public bodies in 24 Member States, released on the first anniversary of the Code of Conduct, shows that the companies have made significant progress in following up on their commitments.

The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, rule of law and fundamental rights. The EU and its Member States, together with social media companies and other platforms have a responsibility to act so that the internet does not become a free haven for illegal hate speech and violence.

By signing the Code of Conduct, the IT companies committed in particular to reviewing the majority of valid notifications of illegal hate speech in less than 24 hours and to removing or disabling access to such content, if necessary, on the basis of national laws transposing European law. The Code also underlined the need to further discuss how to promote transparency and encourage counter and alternative narratives.

The Commission will continue to monitor the implementation of the Code of conduct with the help of civil society organisations. Improvements are expected by IT companies in particular on transparency of the criteria for analysing flagged content and feedback to users. The Commission will take the results of this evaluation into account as part of the work announced in its mid-term review on the implementation of the Digital Single Market Strategy. The Commission will also continue its work to promote more efficient cooperation between the IT companies and national authorities.

EU strengthens right to the presumption of innocence

On 12 February 2016, the Council adopted a directive on the strengthening of certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings.

The purpose of the directive is to enhance the right to a fair trial in criminal proceedings by laying down minimum rules concerning certain aspects of the presumption of innocence and the right to be present at the trial. In this way, the directive will complement the legal framework provided by the European Convention of Human Rights and the Charter of Fundamental Rights. The directive will strengthen mutual trust and confidence between the judicial authorities of the member states and will facilitate the mutual recognition of decisions in criminal matters.

According to the directive, member states will have to ensure that suspects and accused persons are presumed innocent until proven guilty under the law. The Directive provides two rights linked to this principle: the right to remain silent and the right not to incriminate oneself. In addition, member states will have to respect the following related obligations: before the final judgement, suspects and accused persons should not to be presented as being guilty through the use of measures of physical restraint and the burden of proof is on the prosecution while any reasonable doubts as to the guilt should benefit the accused. The right to be present at one's trial is also addressed by this directive.

Moreover, member states will have to ensure that suspects and accused persons have an effective remedy if their rights under this directive are breached.

Member states will have two years after the publication of the directive to bring into force the laws, regulations and administrative provisions necessary to comply with it.

European Citizens' Initiative: Commission registers 'Stop TTIP' Initiative

The European Commission has decided to register a European Citizens' Initiative inviting the Commission "to recommend to the Council to repeal the negotiating mandate for the Transatlantic Trade and Investment Partnership (TTIP) and not to conclude the Comprehensive Economic and Trade Agreement (CETA)" ('Stop TTIP' Initiative). The formal registration of this Initiative on 10 July 2017 will start a one-year process of collection of signatures of support by its organisers.

This registration follows an initial Commission Decision to refuse to register the 'Stop TTIP' Initiative on 10 September 2014, which was annulled by the General Court of the European Union on 10 May 2017. The Commission has decided not to appeal the judgment.

The Commission has reassessed the proposed Initiative, which was originally submitted in July 2014, and decided to register it. However, the request for a proposal not to sign CETA has now become devoid of purpose, since it was signed on 30 October 2016. Signatures of support for this Citizens' Initiative may therefore be collected on the understanding that they aim for other legal acts.

The Commission's decision to register the Initiative concerns only the legal admissibility of the proposal. The Commission has not analysed the substance at this stage. Should the Initiative receive one million statements of support within one year, from at least seven different Member States, the Commission will have to react within three months. The Commission can decide either to follow the request or not, and in both instances would be required to explain its reasoning.