

EUROPEAN PARLIAMENT

Working Documents

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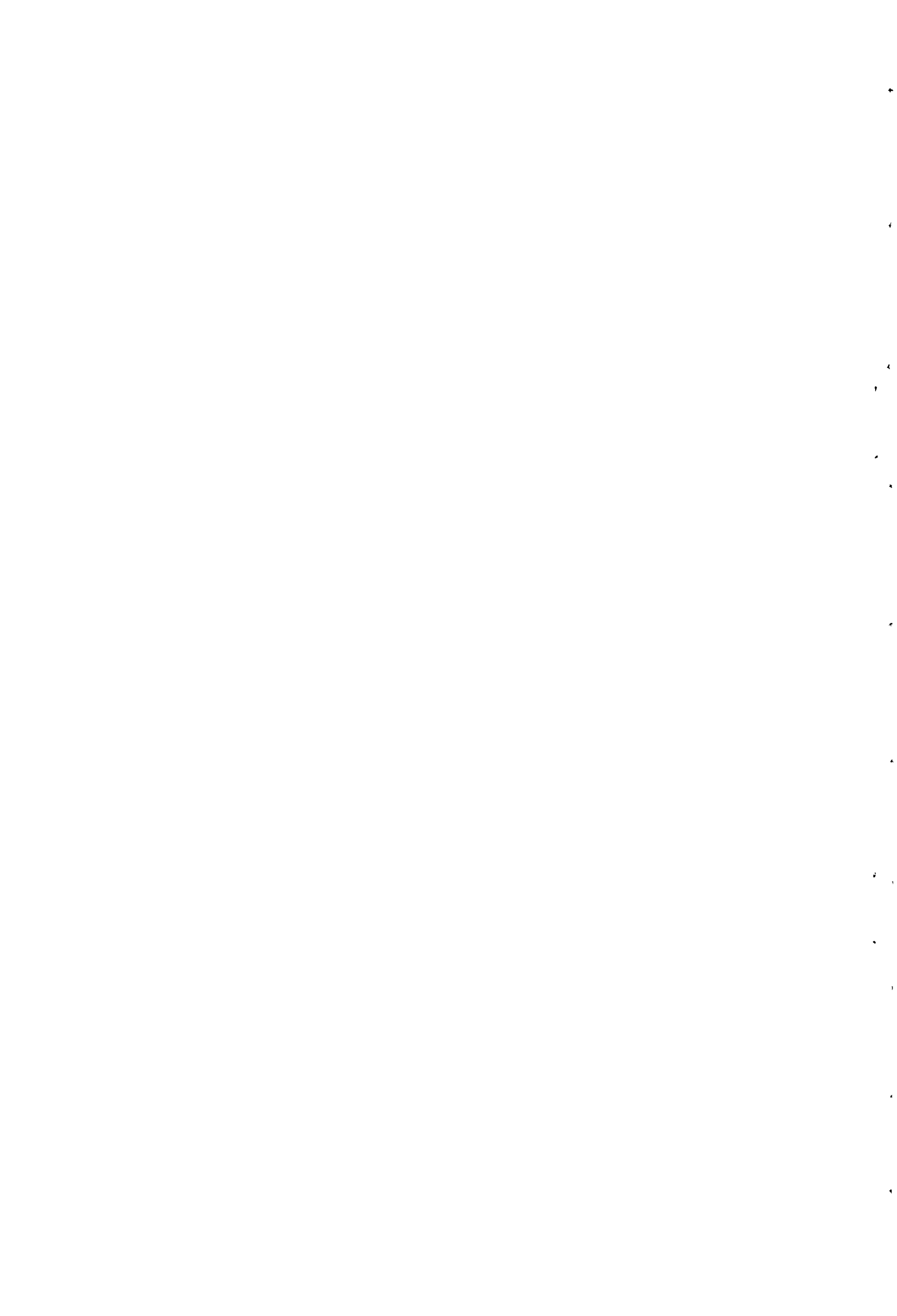
REPORT

drawn up on behalf of the Legal Affairs Committee

on the ~~the~~ draft joint declaration by the European
Parliament, the Council and the Commission on the
protection of fundamental human rights

Rapporteur: Mr L. JOZEAU-MARIGNE

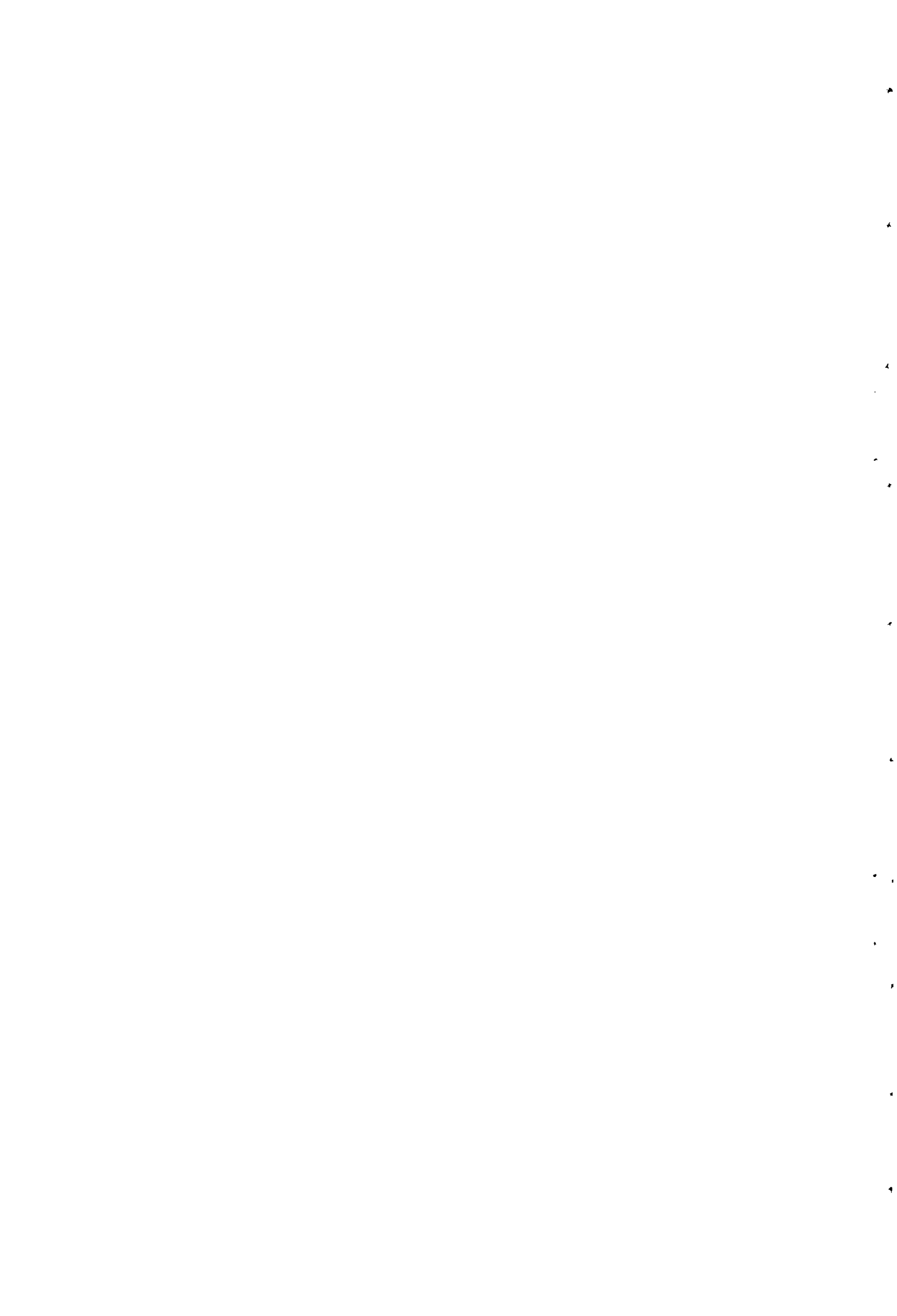
PE 47.848/fin.



At its meeting of 20 December 1976, the Legal Affairs Committee considered the draft joint declaration proposed by the Commission of the European Communities concerning the protection of fundamental human rights.

At that same meeting, the committee approved this draft and instructed its chairman to deliver orally the relevant explanatory statement.

Present: Sir Derek WALKER-SMITH, chairman; Mr JOZEAU-MARIGNE, vice-chairman and rapporteur; Mr ADAMS (deputizing for Mr BROEKSZ), Lord ARDWICK, Mr BANGEMANN, Mr BAYERL, Mr BOUQUEREL, Mr CALEWAERT, Mrs EWING, Sir Geoffrey DE FREITAS, Mr GEURTSSEN, Mrs IOTTI, Mr JAHN (deputizing for Mr POHER), Mr KAVANAGH (deputizing for Mr ESPERSEN), Mr LAUTENSCHLAGER, Mr MASULLO, Mr MEMMEL, Lord MURRAY OF GRAVESEND, Mr MURSCH (deputizing for Mr RIZ), Mr PLEBE, Mr RADOUX (deputizing for Mr ZAGARI), Sir Brandon RHYS WILLIAMS, Mr RIVIEREZ, Mr SANTER, Mr SCELBA, Mr SCHMIDT, Mr SCHUIJT, Mr SCHWORER, Mr SHAW and Mr WALKHIOFF.



MOTION FOR A RESOLUTION

The European Parliament,

- having regard to its resolutions of 4 April 1973¹, 10 July 1975², 15 June 1976³ and 12 October 1976⁴,
 - wishing to affirm, with the Council and the Commission, the attachment of the Community institutions to human rights and to their protection,
 - emphasizing the prime importance which it attaches to the protection of these rights,
 - pointing out that the idea of a charter of the fundamental rights for Community citizens remains fully valid in the context of the European Union, whatever form such Union may take,
 - convinced that, in accordance with the traditions of all the Member States, the establishment of such a charter should primarily be the responsibility of the parliamentary representatives of the peoples of the Member States of the European Union,
1. Adopts, for its part, the draft joint declaration annexed to this resolution;
 2. Instructs its President to inform the Council and the Commission of Parliament's approval of this text which, with the agreement of those two institutions, will be duly published in the Official Journal of the European Communities.

¹ OJ No. C 26, 30.4.1973, p.7

² OJ No. C 179, 6/8.8.1975, p.30 (see paragraph 12 of resolution)

³ OJ No. C 159, 12.7.1976, p.13

⁴ OJ No. C 259, 4.11.1976, p.17

DRAFT JOINT DECLARATION BY THE
EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

The European Parliament, the Council and the Commission,

Whereas the Treaties establishing the European Communities are based on the principle of respect for the law;

Whereas, as the Court of Justice has recognized, that law comprises, over and above the rules embodied in the treaties and secondary Community legislation, the general principles of law and in particular the fundamental rights, principles and rights on which the constitutional law of the Member States is based;

Whereas, in particular, all the Member States are Contracting Parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950,

HAVE ADOPTED THE FOLLOWING DECLARATION:

1. The European Parliament, the Council and the Commission stress the prime importance they attach to the protection of fundamental rights, as derived in particular from the constitutions of the Member States and the European Convention on the protection of human rights and fundamental freedoms.
2. In the exercise of their powers and in pursuance of the aims of the European Communities they respect and will continue to respect these rights.
