Opinion of the European Economic and Social Committee on the ‘Communication from the Commission — Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union’

COM(2010) 573 final
(2011/C 376/14)

Rapporteur: Ms BISCHOFF
Co-rapporteur: Mr PÎRVULESCU

On 19 October 2010 the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

Communication from the Commission — Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union


The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 31 August 2011.

At its 474th plenary session, held on 21 and 22 September 2011 (meeting of 21 September), the European Economic and Social Committee adopted the following opinion by 158 votes to 3, with 4 abstentions.

1. Conclusions and recommendations

The EESC:

1.1 considers that the Commission should strengthen the culture of fundamental rights at EU level, especially by monitoring to ensure that its legislative proposals and the whole legislative process, as well as all acts it adopts, comply with the charter and that they are observed in Member States. Given that there have been cases of serious violation of the charter, it is urgent to establish a strategy for monitoring and for rapid reaction,

1.2 highlights the legally binding obligation to promote fundamental rights, which has to become one of the most important elements of the implementation strategy, inter alia by means of new, targeted initiatives; also underlines the dynamic nature of fundamental rights, which are a cornerstone of our societies and a hallmark of the European Union, (1)

1.3 considers that fundamental social rights are ‘indivisible’ from civil and political rights and therefore require special strategic attention; believes that the content of the relevant clauses is already binding and must be upheld,

1.4 stresses the need to ensure equality, in particular between men and women, and to specifically address all vulnerable groups,

1.5 underlines that, at EU level, the charter’s obligations apply to all institutions, agencies and bodies,

1.6 urges Member States to build a protection- and promotion-oriented fundamental rights culture at all government levels and across all policy and legislative domains and to examine and identify the specific impact on fundamental rights during the transposition process,

1.7 is very concerned about the spread of certain political stances which can and in some cases effectively do lead to setbacks in the promotion and protection of fundamental rights,

1.8 strongly encourages the Commission to act effectively in its role as guardian of the Treaties and to use the infringement procedure without taking political considerations into account,

1.9 proposes further measures and promotional activities in order to boost the effectiveness of a fundamental rights implementation strategy,

1.10 calls on all EU institutions as well as agencies and bodies, and Member States involved in enacting fundamental rights, in particular the Commission, to give a major boost to the participatory aspect of civil society.

2. Presentation and background

2.1 The Commission’s communication intends to set out its strategy for the implementation of the charter in the new legal environment that has been in place since the entry into force of the Lisbon Treaty. The objective of the Commission’s policy is to make the fundamental rights provided for in the charter as effective as possible.
2.2 The first part of the communication focuses on the fact that the European Union is striving to be beyond reproach and exemplary in this respect and that the charter must therefore serve as a compass for the Union’s policies and their implementation by the Member States at every stage of the procedure.

2.2.1 Firstly, the Commission must strengthen the culture of fundamental rights at the Commission, especially by monitoring to ensure that its legislative proposals and the acts it adopts comply with the charter. Secondly, the Commission must ensure that every single act in the legislative process observes the charter provisions. This means that any amendment made by one of the co-legislators, as well as inter-institutional dialogue, must also comply with the charter.

2.2.2 Lastly, there is a need to ensure that the Member States respect the charter when implementing Union law.

2.3 The second part of the communication discusses the need to provide the public with better information. In order to achieve this goal, targeted communication measures are needed, which are tailored to various specific situations.

2.4 The third section of the Commission document focuses on an annual report on the application of the charter, the first of which has just been adopted by the Commission (\(^2\)). The report has two objectives: on the one hand, to take stock of progress in a transparent, continuous and consistent manner, on the other, to provide an opportunity for an annual exchange of views with the European Parliament and the Council.

3. General comments

3.1 The EESC attaches the greatest importance to fundamental rights. It welcomes the fact that the Commission has published the Communication on the ‘Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union’. The EESC considers this approach to be an important contribution to the concept of EU citizenship for everyone living in the EU.

3.1.1 The principles enshrined in the strategy are very important and the EESC draws specific attention to the principles of effectiveness, universality and indivisibility as well as visibility and predictability. The EESC nevertheless considers that a number of important aspects have been neglected or not discussed in sufficient detail and should, therefore, be improved.

3.1.2 Nevertheless, it is worth highlighting a number of other principles. As pointed out in previous opinions, ‘the EESC seeks to ensure overall consistency and the protection of fundamental rights, together with equal treatment and non-discrimination, regardless of immigrant workers’ occupational category’ (\(^3\)). Moreover, EU law must … not constitute measures which would lessen the degree to which principles have already been put into effect (\(^4\)). All possible measures should be envisaged for convincing the governments of Poland, the United Kingdom and the Czech Republic to withdraw from the ‘opt-out’ protocols and to ‘opt in’ for the general application of the charter.

3.1.3 The Committee welcomes the numerous additional elements contained in the strategy and relating to legislative acts. In particular, the EESC supports the ‘exemplary’ character of the EU in the area of fundamental rights, also in respect of its external – and in particular trade – policies. In general, the EU should be not only an example, but also an active promoter of democracy and human rights – civil, political, economic and social - and use its international leverage to advance this.

3.1.4 The EESC welcomes the commitment of the Commission and the other EU institutions to thoroughly revise their legislative and working procedures, in particular as regards impact assessment and the relevant bodies, so as to ensure that their output complies with the principles and specific content of the charter. However, if we are to ensure the effective protection and promotion of fundamental rights, it is vital to focus on implementation and proactive attitudes on the part of the Member States. As regards the horizontal social clause (Article 9 TFEU) and fundamental social rights, the impact assessment is explored in more detail in another EESC opinion (\(^5\)).

3.2 New dangers: the crisis and security lapses

3.2.1 The Commission’s strategy does not respond to the threats to the effective implementation of fundamental rights arising from a variety of important new dangers. The strategy, therefore, needs to take these developments into account and develop a coherent and comprehensive response.

3.2.2 In this respect, the EESC has already stressed that ‘in a financial and economic crisis, it is important to strengthen solidarity between States, economic agents and citizens, and to respect the dignity and rights of citizens’ (\(^6\)). ‘Furthermore, the EESC remains to be convinced, in this period of crisis, that the budgetary resources available to the Member States of the Union and the level of resources that they are prepared to disburse, both nationally and at European level, are sufficient to make the protection of human rights … a reality’ (\(^7\)).

3.2.3 The EESC in its recent opinion on the EU’s counter-terrorism policy, a policy area where numerous fundamental rights are at stake (human dignity, protection from torture, data protection, non-refoulment) identified the practical difficulties of streamlining the principle of fundamental rights during the policy formulation and conception process. The EESC welcomes the fact that respect for fundamental rights has been made a horizontal priority in this very sensitive area. However, the Commission’s commitment to respect for fundamental rights should be coupled with a similar commitment on the part of national governments, in particular when implementing EU law. Moreover, the protection of fundamental rights should not be limited to devising and drawing up instruments, but should also encompass their implementation (9).

3.3 A crucial new dimension: Legally binding obligation to promote fundamental rights

3.3.1 The Commission now needs to work out not only how best to protect fundamental rights in the course of its activities but how best to promote fundamental rights by new targeted initiatives.

3.3.2 In Article 51(1), the charter also sets out the obligation to ‘promote the application’ of fundamental rights. This element is of the utmost importance for the EESC. The EESC notes that, while the Commission refers in some respects to the promotion of fundamental rights, it does not stress the strategic importance of this obligation. The strategy should attribute at least the same level of strategic orientation to this aspect as it does to the obligation to respect fundamental rights.

3.4 Fundamental social rights are ‘indivisible’ from civil and political rights and therefore require special strategic attention.

3.4.1 While recalling the importance of the indivisible nature of fundamental rights expressed in the Communication itself and highlighted in several opinions (9) the EESC notes the lack of a strategic approach in respect of fundamental social rights.

3.4.2 Given the outstanding importance of fundamental social rights (10) and the long history of developments within the EU, we consider this to be unacceptable. The development of the legally binding charter, which began with the ‘Charter of Fundamental Social Rights of Workers’ (1989) and included contributions from the EESC (11) also took place with reference to the European Social Charter (ESC), which was incorporated by the Amsterdam Treaty into primary EU law (12). This shows that fundamental social rights, particularly in their most ‘innovative’ form in the charter’s ‘Solidarity’ title (solidarity being recognised as one of the values of the Union), require special and strategic attention.

3.4.3 The EESC has also already stressed the specific role of public services in ensuring the effective application of fundamental rights (13). Furthermore, the Committee highlights the importance of ‘third generation’ rights and principles included in the charter, in particular environmental and consumer protection. These rights and principles should be consistently observed and promoted, also when designing and implementing the external and commercial policy.

3.4.4 Regarding the principle of the equal value of fundamental social rights vis-à-vis economic freedoms, the EESC is of the opinion that primary law in particular must ensure this approach. The EESC notes that the third recital of the preamble, and specifically Article 151, of the TFEU are intended to promote improved living and working conditions ‘so as to make possible their harmonisation while the improvement is being maintained’ and expressly calls for a ‘Social Progress Protocol’ to be included in the Treaties in order to enshrine the principle of the equal value of fundamental social rights and economic freedoms and thereby make it clear that neither economic freedoms nor competition rules should be allowed to take precedence over fundamental social rights, and also to clearly define the impact of the Union’s objective of achieving social progress (14).

3.5 Equality, in particular between men and women, must be ensured and all vulnerable groups specifically addressed.

3.5.1 Just as all fundamental (social) rights must be addressed individually, it is equally important to examine and ensure their application and promotion in respect of non-discrimination and equality. This is particularly important with regard to the issue of equality between men and women, already recognised in the objectives of the Union and in Article 23 of the charter. Furthermore, gender mainstreaming should be adopted in all activities.

(9) EESC opinion on The EU Counter-Terrorism Policy, OJ C 218, 23.7.2011, p. 91 - SOC/388, point 4.5.1-4.5.2.
(11) EESC opinion on An area of freedom, security and justice serving the citizen, OJ C 128, 18.5.2010, p. 80, point 3.5.
(12) 5th recital TEU and Article 151(1) TFEU.
(13) EESC opinion on Fundamental rights in European immigration legislation, OJ C 128, 18.5.2010, p. 29, point 4.3.4.
3.5.2 The protection of fundamental rights should specifically address vulnerable groups. The EESC draws attention to its most recent opinion on this issue (15) and highlights the need to protect labour and social rights, in particular the right to strike (16). Moreover, the Committee stresses the importance of the 'European Integration Forum'.

3.5.3 The EESC sees human rights as being universal and indivisible rights which must be protected and secured for all people, not only for EU citizens. A ‘Europe of rights and justice’ cannot only be restricted to people who have the nationality of an EU Member State, but must cover everyone living on EU territory. Otherwise, the personal scope of the EU’s Area of freedom, security and justice would be incompatible with the values and principles, non-discrimination, equal treatment and solidarity on which the European Union was founded (17). The EU must ensure that it is pro-active in safeguarding the fundamental rights of every individual, regardless of his or her nationality.

3.5.4 The dynamic nature of fundamental rights should be asserted and rights should be given new means of protection that reflect changes taking place in society. As it has already stated, the EESC considers, for example, that the digital society, while still falling under Article 8 of the European Human Rights Convention (ECHR) and Articles 7 and 8 of the charter, has specific protection needs that could be covered by new texts. (18)

3.5.5 Ethnic minorities, especially the Roma, are increasingly becoming the target of governmental and police action. The Commission’s reaction to the measures of certain EU Member States, as highlighted in the 2010 Report, was prompt but was not effective in the end. Groups of Roma were expelled, whilst the charter expressly prohibits any collective expulsion. EU has to make sure that Member States stop pursuing these sorts of policies.

3.6 The strategic importance of non-legislative acts must be improved.

3.6.1 The Communication contains very few references to non-legislative acts. Given the extensive scope of the EU’s political and financial activities, particularly in the case of the Commission, this important aspect requires a strategic approach in order to conform to the charter’s obligations in these fields, including in sensitive policy areas such as trade involving third countries. The strategy should also cover possible omissions and (mis)conduct.

3.7 At EU level, the charter’s obligations apply to all institutions, agencies and bodies, which each have their specific area of responsibility.

3.7.1 The EESC welcomes the fact that the Communication refers to the Union’s institutions in several instances. Nevertheless, this aspect is not taken into account in any systematic way. It should be noted that the Union’s institutional framework is defined in Article 13(1) TEU and that it ‘shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions’. The Commission – as the guardian of the Treaties – must ensure a consistent and effective approach. On the other hand, the EESC considers its specific role in respect of protection of fundamental rights to be guardian of the Union’s values.

3.7.2 It is in the Commission’s remit to specifically supervise and ensure that all agencies and bodies that report to the Commission respect and promote fundamental rights. This is particularly the case for OLAF, FRONTEX etc. The EESC has expressed its concerns regarding the latter in its recent opinions. The Committee is concerned to note a series of practices by Member State governments and the FRONTEX agency regarding the expulsion of persons who may need international protection (19). These operations, which have increased in frequency and scale, should be carried out in conditions of complete transparency and accountability. The Committee recommends that FRONTEX and the European Asylum Support Office work together to effectively prevent any violation of human rights. Expelling people to countries or areas where their safety is at risk is a clear infringement of the principle of non-refoulement. Moreover, the EESC has also suggested that FRONTEX staff undergo special training to ensure a higher standard of protection of fundamental rights (20).

3.7.3 All the other institutions will still need to devote an important part of their activities to the development of a coherent and effective strategy for the respect and promotion of fundamental rights and to consider improving texts which have already been adopted (21) in line with this opinion. In particular, the Council has to take its specific role seriously as the Member States’ platform for protecting and promoting fundamental rights.

(15) EESC opinion on An area of freedom, security and justice serving the citizen, OJ C 128, 18.5.2010, p. 80, point 4.1.9.
(16) EESC opinion on An area of freedom, security and justice serving the citizen, OJ C 128, 18.5.2010, p. 80, point 3.5.
(17) EESC opinion on Enhancing digital literacy, e-skills and e-inclusion, OJ C 318, 29.10.2011, p. 9, point 7.
(18) EESC opinion on Fundamental rights in European immigration legislation, OJ C 128, 18.5.2010, p. 29.
(19) EESC opinion on Minimum standards on procedures in Member States for granting and withdrawing international protection, OJ C 18, 19.1.2011 p. 85, point 4.2.1.9.
3.8 At Member State level

3.8.1 Since fundamental rights are a prerequisite and core commitment for EU membership, Member States have an important role to play in making fundamental rights effective. Therefore, the EESC welcomes the Commission's intention to pursue a prevention strategy while ensuring that the Member States respect the charter when implementing Union law. It will be necessary to build a protection- and promotion-oriented fundamental rights culture at all government levels and across all policy and legislative domains and examine and identify the specific impact on fundamental rights during the transposition process. Nevertheless, in order to avoid creating false expectations, it should be stressed that Member States – although they also remain bound by major international agreements on the protection of rights that some of them have ratified – are obliged to protect and promote the charter’s rights and principles only insofar as they implement EU law.

3.8.2 The EESC strongly encourages the Commission to act effectively in its role as guardian of the Treaties and to use the infringement procedure without taking political considerations into account. As far as the protection of fundamental rights is concerned, the current procedure is too slow and completely inadequate. Given the importance of the area and the possible risks to the life, security, well-being, and dignity of individuals, EU action must be swift, timely, and decisive, and employ any granted institutional powers without delay.

3.8.3 The EESC strongly advises the Commission to avoid giving priority in infringement proceedings to cases that raise issues of principle or which have a particularly far-reaching negative impact for EU citizens. All the rights contained within the charter, in particular social rights, are of equal importance and no institution, including the European Commission, has the right or capacity to prioritise certain rights.

3.8.4 In the EESC’s opinion, individual opt-outs for Member States are unacceptable, as such exemptions can lead to situations where the protection of citizens’ and workers’ rights included in the Charter of EU Fundamental Rights or the enforcement of these rights within the European Union may be seriously affected. The Commission as well as all other EU institutions should examine the possibility of encouraging those countries which continue to opt-out of the charter to fully accept all the obligations arising from this instrument of fundamental rights and of reporting annually on the measures taken in this respect as well as the measures taken by the Member States concerned to effectively implement the fundamental rights as enshrined in the charter.

3.9 The role of other international obligations is underestimated

3.9.1 The Communication makes a number of references to other international obligations. Once again, this has not been done in a comprehensive manner. It therefore also needs a strategic approach. This is in particular required by Article 53 of the EU Charter as a minimum level of protection in respect of the UN Covenants, the (Revised) ESC and, last but not least, the ECHR as highlighted by Article 52(3). In principle, the same applies to the case law of other international bodies, in particular the ECHR, as a minimum level of protection.

3.10 Further measures

3.10.1 The EESC has highlighted the importance of effective enforcement measures (2). The role of the Court of Justice of the European Union (CJEU) must be reinforced in respect of monitoring implementation of the charter’s rights, also with regard to the relevant protocols. In particular, its case-law has to be made public, also in respect of the relevant protocols.

3.10.2 In order to ensure effective protection of human rights, all rule of law standards in all Member States should be fully applied, and they should be covered by regular reporting. In particular, this concerns the power of courts to refer legislation and government measures to a higher court to check for breaches of fundamental and human rights. Equally, citizens’ rights should be guaranteed so that actions against violations of fundamental rights can be brought before the competent national and European courts.

3.10.3 All necessary resources need to be attributed to the relevant structures. This primarily concerns the EESC itself, the Commission and all other EU institutions. The Communication is not specific in terms of specific institutional capacity enhancing measures. The process under which EU action protects fundamental rights and strengthens the legislative and policy process requires time and significant resources (e.g. personnel training). The Communication shows that there is no concrete plan for the transition to this stage. The EESC draws attention to the fact that – without a clear and strong commitment for capacity building – most of the objectives of this policy will be severely undermined, at least in the short term. This is true for the Commission itself (23) as well as e.g. the Fundamental Rights Agency (FRA) (24). Therefore, the FRA in particular should be strengthened and incorporated into all synergy measures. Furthermore, active involvement should be planned for National Committees of Human Rights, Ombudsmen and any other human rights defender.


(23) EESC opinion on An area of freedom, security and justice serving the citizen, OJ C 128, 18.5.2010, p. 80 § 1.4; EESC opinion on Fundamental rights in European immigration legislation, OJ C 128, 18.5.2010, p. 29, point 2.15.

3.11 Promotional activities

3.11.1 The Union should seek to reinforce the legal framework for fundamental social rights. This will require the EU’s accession to the Revised ESC and its Protocols. Concerning the Member States, the Union should recommend the ratification of all relevant fundamental (social) rights instruments (including amending and additional/optional protocols). Where ratification by the EU does not seem possible, all means should be explored and employed to make their content legally binding.

3.11.2 Mainstreaming means that each administrative unit will not only be required to scrutinise regular (especially legislative) activities but will also be expected to put forward one or two concrete promotional measures per year. Furthermore, the Commission should ask other international organisations for advice in respect of the protection and promotion of human rights. This is only one aspect of the necessary communication strategy.

3.11.3 The Commission should initiate more projects. These projects should also cover the protection of defenders of human rights. Both internal and external cooperation should be improved. The EESC would refer to its opinion calling for a ‘Stress check’ which can and in some cases effectively do lead to serious violations as well as setbacks in the promotion and protection of fundamental rights.

3.11.4 The EESC is concerned about the low level of public awareness of the charter and fundamental rights. A major effort to boost visibility is required. The charter is a key document and its content should be publicised and provide a reference point for the vast majority of Europeans. The EESC recommends that the Commission scales up its efforts to tackle this challenge. In this respect, communication with the public should not focus on disseminating reports, but rather on taking active measures to ensure that the charter becomes a reference document for every citizen of the EU.

3.11.5 While the EESC welcomes all activities aimed at the specific training of all interested groups, in particular legal personnel - including those activities carried out by Member States - and at providing the public with better information, this is only one aspect of the necessary communication strategy.

It is vital to be able to communicate directly with the public. This is all the more true when one looks at the experiences of SOLVIT where the Commission actively searches for information, including from the relevant stakeholders. The same approach needs to be taken in respect of fundamental rights in general and social rights in particular.

3.12 The ‘Stress check’

3.12.1 The effectiveness of fundamental rights must be demonstrated in practice, in particular in times of economic crisis or where there is strong political pressure. The EESC is most concerned with the spread of certain political stances which can and in some cases effectively do lead to serious violations as well as setbacks in the promotion and protection of fundamental rights.

3.12.2 The CJEU has already dealt with important fundamental rights issues by invalidating secondary legislation e.g. in respect of non-discrimination (26) and data protection (27) or precluding national legislation imposing a prison term on ‘illegally staying third country-nationals’ (28).

3.12.3 Furthermore, the EESC notes with concern the mass expulsion of Roma people, the treatment of people from North Africa without papers, restrictions on freedom of expression, especially in the media, etc. All legislation allowing for exclusions or restrictions in respect of fundamental (social) rights (e.g. the right to a limit on maximum working hours) will have to be specifically addressed.

3.12.4 The financial and economic crisis is putting considerable pressure on fundamental social rights. All pacts, recovery plans and other EU and/or Member States measures must in no way violate fundamental (social) rights, such as the right to information and consultation, collective bargaining and collective action with the full autonomy of the social partners, as well as public and social services, but should rather respect and promote them.

(26) Judgment (Grand Chamber) 1 March 2011 - Case C-236/09 - Association belge des Consommateurs Test-Achats ASBL (sex as a factor in the assessment of insurance risks).
(27) Judgment (Grand Chamber) 9 November 2010 - Cases C-92/09 and C-93/09 - Volker und Markus Schecke (processing of personal data in respect of the publication of information on beneficiaries of agricultural aid).
(28) Judgment (First Chamber) 28 April 2011 - Case C-61/11 PPU - El Dridi (legislation which ’provides for a sentence of imprisonment to be imposed on an illegally staying third-country national on the sole ground that he remains, without valid grounds, on the territory of that State, contrary to an order to leave that territory within a given period’).
3.13 **Civil society:** the participatory aspect should be strongly reinforced

3.13.1 Generally speaking, the strategy refers to the need to take account of the view of the interested parties. In many opinions, the EESC has stressed this important aspect in the area of fundamental rights (29). The term 'interested parties' appears to be wide enough to include all entities. For the EESC it is, nevertheless, of the utmost importance that its role as an advisory body is explicitly taken into account. The same applies to the social partners at EU level (Article 152 TFEU).

3.13.2 Individuals in particular and civil society in general are most affected by the implementation of fundamental rights. Stakeholders must be given a visible role. Therefore they have to be regularly, fully and effectively involved in this process.

3.13.3 In particular, the EESC should be involved and consulted regularly and in good time, particularly in respect of the annual report to be drafted by the Commission. As guardian of the EU's values and representative of organised civil society, the Committee is best placed to liaise with civil society.

3.13.4 The EESC will draw up a yearly opinion on implementation of the Charter of Fundamental Rights (with particular regard to fundamental social rights), of the horizontal social clauses (Articles 8, 9 and 10 TFEU), of other social policy provisions of the Lisbon Treaty (in particular Articles 145-166 and 168 TFEU), of secondary legislation and of other legal and policy measures, with regard to compliance with and support for objectives and requirements. This opinion will analyse and evaluate the extent to which such implementation has contributed to developing the EU's fundamental rights and social policy. If appropriate, the opinion could include recommendations on specific measures to meet objectives and requirements more effectively. A hearing will be held prior to adoption of the opinion, at which the social partners and representatives of various interest groups, together with other major representative civil society organisations in the social policy field, can contribute their own views and reports. This annual EESC opinion will be presented and explained to representatives of the EU institutions, in particular the European Council, the Council, the Commission, the Court of Justice and the ECB.

Conferences will also be held on monitoring effective implementation of the Charter. These conferences should also strengthen links to the Fundamental Rights Agency.

3.13.5 The Annual Report is a useful tool for evaluating policy progress. It should be made easily accessible. The EESC encourages the Commission and the FRA to take the opportunity to involve civil society in drafting the report, and to be open to independent reviews of the protection of fundamental rights at EU level and beyond the EU's borders. The Committee, as the representative of organised civil society, is ready to facilitate the process and contribute to the annual review. The Annual Report must take into consideration situations which, for various reasons, do not become the subject of petitions or court cases. In this respect, the report should welcome - and also be based on - input from various organisations working in the area of fundamental rights.

3.13.6 Although the EESC would acknowledge the importance of the Annual Report, it feels that the first annual report lacks a consistent focus across all the fundamental rights contained in the charter. The Report highlights a number of key areas in the section on 'Most important developments' but the selection criteria are unclear. This selective approach does not help to identify any gaps in implementation and even more worryingly may signal that some fundamental rights are being given more priority than others.

Brussels, 21 September 2011.

The President
of the European Economic and Social Committee
Staffan NILSSON

---