

UNICE

THE VOICE OF BUSINESS IN EUROPE

S/40/draf0510..doc

9 Octobre 2000

UNICE MESSAGE TO THE EUROPEAN COUNCIL IN BIARRITZ

CHARTER OF FUNDAMENTAL RIGHTS

1. UNICE supported the objective of the Cologne European Council to establish a charter on fundamental rights making those rights and freedoms which are generally considered to be fundamental and inalienable more visible to the Union's citizens. However, it has also insisted, since the beginning of the discussions, that the Charter should respect the present competences of the European Union and not extend existing powers. European employers therefore welcome article 51, which explicitly specifies that the Charter does not modify powers and tasks for the Community or the Union as defined by the Treaties.
2. UNICE regrets that the wording proposed for consideration by the European Council in Biarritz, is still ambiguous in some articles on economic and social rights. It stresses that the text currently proposed for the charter is therefore not fit to become legally binding.
3. For example, article 14 could be misinterpreted as instituting an unqualified right to access to continuing training despite the fact that
 - ?? Article 150 of the Treaty does not give the power to institute such a right at EU level,
 - ?? experience shows that instituting such a right does not lead to an efficient use of scarce resources.
4. Similarly, article 28 does not explicitly rule out the right to take collective action at EU level despite the fact that Article 137.6 of the Treaty excludes the right to strike from EU competences.
5. To avoid any risks of political or legal misinterpretation, UNICE believes that the final version of the Charter should clarify the remaining ambiguities in the wording of these two articles to indicate more clearly that they must be interpreted in the context of a strict application of article 51.
