



EUROPEAN
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ANNEXES 1 to 4

ANNEXES

to the

COMMUNICATION FROM THE COMMISSION

**Revised operational guidance on taking account of fundamental rights in European
Commission impact assessments**

ANNEX I

Summary of the step-by-step assessment

1. Initial screening

- Monitor potential limitations at an **early stage**, ideally before launching any consultation activities (i.e. call for evidence) and already set out these limitations in the preparatory documents.
- **Gather data** on the potential limitations and the necessity and proportionality of the measures through stakeholder consultations and analysis. Assess whether there are less intrusive alternatives for the planned measures from the perspective of fundamental rights.

2. Problem definition

- **Identify in the problem definition** the relevant fundamental rights that are likely to be affected from the outset. Fundamental rights aspects may be relevant both in defining the problem and in analysing the impacts.
- The relevant rights may vary, depending on the different policy options. Note that in certain cases the **Charter may limit the EU's right to act**.

3. Objectives

- If possible, present fundamental rights compliance as a **general or specific/operational objective**, to ensure that the relevant aspects are consistently addressed at every stage of the impact assessment.
- If compliance with fundamental rights obligations is not included as an objective, ensure that all stated objectives are consistent with fundamental rights.

4. Policy options

- If your policy options include several measures, assess the **fundamental rights impact of each relevant measure**.
- Discard any policy options that would clearly violate fundamental rights.

5. Analysis of impacts

- Respect for fundamental rights is a horizontal aspect. Do not treat it as a category distinct from the “economic, social and environmental impacts” section. If it is impossible to quantify an impact on fundamental rights, assess the impact qualitatively.
- Follow the step-by-step **fundamental rights checklist** set out in the Better Regulation toolbox and Section 1.4 of this Guidance.

6. Comparing the options

- When comparing the different options, **avoid aggregating different types of impact** because this could distort results.
- When selecting a preferred option, **consider the options with the least negative impact on fundamental rights**. That does not mean that you cannot select options that entail limitations. If two policy options are equally effective, **choose the one that is less intrusive with regard to fundamental rights**.

7. Monitoring and evaluation

- Set out **specific measures to monitor and evaluate fundamental rights**. This includes carefully planning data collection and identifying possible indicators for monitoring and evaluating fundamental rights impacts.

8. After the impact assessment: the legislative proposal

- If a legislative proposal has a particular impact on fundamental rights, include a summary on fundamental rights in the explanatory memorandum and add recitals explaining how the proposal complies with the Charter.

ANNEX II

Examples of online sources of fundamental rights information relevant to Commission impact assessments

This list is intended as a starting point for research. It is not exhaustive but highlights the main sources of information relevant to the EU context. Depending on the fundamental rights covered by your impact assessment, you may wish to consult additional resources. DG Justice and Consumers is available to assist with more targeted searches.

Charter of Fundamental Rights of the European Union

Text of the Charter of Fundamental Rights of the European Union: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:EN:PDF>

Explanations relating to the Charter of Fundamental Rights:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:303:0017:0035:en:PDF>

Search form for finding case-law of the CJEU: [CURIA - Search form \(europa.eu\)](http://curia.europa.eu/juris/)

Thematic Factsheet of the CJEU analysing the legislation, case-law or state of positive law on a given subject, including specific fundamental rights: [CURIA - Fact sheets - Court of Justice of the European Union \(europa.eu\)](http://curia.europa.eu/juris/factsheets/)

‘DEC-NAT database’ on national case law regarding European Union law, provided by the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union
[Dec.Nat. \(aca-europe.eu\)](http://dec-nat.europa.eu/)

European Union Agency for Fundamental Rights’ work on the Charter of Fundamental Rights of the European Union:
[EU Charter of Fundamental Rights | European Union Agency for Fundamental Rights \(europa.eu\)](http://efra.europa.eu/)

Website of the European Data Protection Supervisor:
<http://www.edps.europa.eu>

European Convention on Human Rights

Text of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe):
<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

Search form for finding case-law of the European Court of Human Rights:
Knowledge Sharing platform (ECHR-KS) <https://ks.echr.coe.int/web/echr-ks> or ECtHR case-law database <http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>

Thematic list of Factsheets on the European Court of Human Rights’ case-law prepared by the ECtHR’s Press Service:
[Factsheets – ECHR Press resources – ECHR – ECHR / CEDH \(coe.int\)](http://factsheets.echr.coe.int/)

List of ‘Human Rights Handbooks’ on specific fundamental rights protected under the ECHR:
[https://www.coe.int/en/web/human-rights-rule-of-law/human-rights-handbooks](http://www.coe.int/en/web/human-rights-rule-of-law/human-rights-handbooks)

European Social Charter

Text of the European Social Charter (revised) (Council of Europe):
<https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=163>

Convention on Cybercrime (Budapest Convention)

Text of the Budapest Convention (Council of Europe):

<https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=185>

Council of Europe Convention on preventing and combating violence against women and domestic violence

Text of the Convention on preventing and combating violence against women and domestic violence (Council of Europe):

<https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=210>

Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union:

[Decision - 2023/1075 - EN - EUR-Lex \(europa.eu\)](#)

Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement:

[Decision - 2023/1076 - EN - EUR-Lex \(europa.eu\)](#)

United Nations Convention on the Rights of Persons with Disabilities

Text of the UN Convention on the Rights of Persons with Disabilities

<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

Decision 2010/48/EC concerning the conclusion of the UN Convention on the Rights of Persons with Disabilities

[Decision - 2010/48 - EN - EUR-Lex \(europa.eu\)](#)

Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities

<http://www.un.org/disabilities/documents/toolaction/ipuhb.pdf>

United Nations International Covenant on Civil and Political Rights

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

United Nations International Covenant on Economic, Social and Cultural Rights

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

United Nations Convention on the Elimination of all Forms of Discrimination against Women

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

United Nations Convention on the Elimination of Racial Discrimination

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

United Nations Declaration on the Rights of Indigenous Peoples

<https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples>

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

<https://www.fao.org/family-farming/detail/en/c/1469769/>

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions

<https://www.unesco.org/en/legal-affairs/convention-protection-and-promotion-diversity-cultural-expressions>

The International Labour Organization's Fundamental Conventions:

Freedom of Association and Protection of the Right to Organise Convention (No 87)

[Convention C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\) \(ilo.org\)](#)

Right to Organise and Collective Bargaining Convention (No 98)

[Convention C098 - Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\) \(ilo.org\)](#)

Forced Labour Convention (No 29)

[Convention C029 - Forced Labour Convention, 1930 \(No. 29\) \(ilo.org\)](#)

Abolition of Forced Labour Convention (No 105)

[Convention C105 - Abolition of Forced Labour Convention, 1957 \(No. 105\) \(ilo.org\)](#)

Minimum Age Convention (No 138)

[Convention C138 - Minimum Age Convention, 1973 \(No. 138\) \(ilo.org\)](#)

Worst Forms of Child Labour Convention (No 182)

[Convention C182 - Worst Forms of Child Labour Convention, 1999 \(No. 182\) \(ilo.org\)](#)

Equal Remuneration Convention (No 100)

[Convention C100 - Equal Remuneration Convention, 1951 \(No. 100\) \(ilo.org\)](#)

Discrimination (Employment and Occupation) Convention (No 111)

[Convention C111 - Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\) \(ilo.org\)](#)

Violence and Harassment Convention (No 190)

[Convention C190 - Violence and Harassment Convention, 2019 \(No. 190\) \(ilo.org\)](#)

ANNEX III

Overview of the rights, freedoms and principles guaranteed by the Charter of Fundamental Rights

Title I - Dignity

- Article 1 - Human dignity
- Article 2 - Right to life
- Article 3 - Right to the integrity of the person
- Article 4 - Prohibition of torture and inhuman or degrading treatment or punishment
- Article 5 - Prohibition of slavery and forced labour

Title II - Freedoms

- Article 6 - Right to liberty and security
- Article 7 - Respect for private and family life
- Article 8 - Protection of personal data
- Article 9 - Right to marry and right to found a family
- Article 10 - Freedom of thought, conscience and religion
- Article 11 - Freedom of expression and information
- Article 12 - Freedom of assembly and of association
- Article 13 - Freedom of the arts and sciences
- Article 14 - Right to education
- Article 15 - Freedom to choose an occupation and right to engage in work
- Article 16 - Freedom to conduct a business
- Article 17 - Right to property
- Article 18 - Right to asylum
- Article 19 - Protection in the event of removal, expulsion or extradition

Title III - Equality

- Article 20 - Equality before the law
- Article 21 - Non-discrimination
- Article 22 - Cultural, religious and linguistic diversity
- Article 23 - Equality between women and men
- Article 24 - The rights of the child
- Article 25 - The rights of the elderly
- Article 26 - Integration of persons with disabilities

Title IV - Solidarity

- Article 27 - Workers' right to information and consultation within the undertaking
- Article 28 - Right of collective bargaining and action
- Article 29 - Right of access to placement services
- Article 30 - Protection in the event of unjustified dismissal
- Article 31 - Fair and just working conditions
- Article 32 - Prohibition of child labour and protection of young people at work
- Article 33 - Family and professional life
- Article 34 - Social security and social assistance
- Article 35 - Health care
- Article 36 - Access to services of general economic interest
- Article 37 - Environmental protection
- Article 38 - Consumer protection

Title V - Citizens' Rights

Article 39 - Right to vote and to stand as a candidate at elections to the European Parliament

Article 40 - Right to vote and to stand as a candidate at municipal elections

Article 41 - Right to good administration

Article 42 - Right of access to documents

Article 43 - European Ombudsman

Article 44 - Right to petition

Article 45 - Freedom of movement and of residence

Article 46 - Diplomatic and consular protection

Title VI - Justice

Article 47 - Right to an effective remedy and to a fair trial

Article 48 - Presumption of innocence and right of defence

Article 49 - Principles of legality and proportionality of criminal offences and penalties

Article 50 - Right not to be tried or punished twice in criminal proceedings for the same criminal offence

Title VII - General Provisions concerning the interpretation and application of the Charter

Article 51 - Field of application

Article 52 - Scope and interpretation of rights and principles

Article 53 - Level of protection

Article 54 - Prohibition of abuse of rights

ANNEX IV

Rights of the child in European Commission impact assessments

Article 24 of the Charter enshrines the rights of the child as fundamental rights. This article is based on the **UN Convention on the Rights of the Child** (UNCRC), which has been ratified by all EU Member States¹. In the **EU strategy on the rights of the child**², the Commission made a commitment to develop a mainstreaming checklist on the rights of the child.

According to the strategy, all EU policies and actions which impact on the rights of the child must be guided by the standards and principles of the UNCRC. In all actions relating to children, **the child's best interests must be a primary consideration**. It is also important to consider children in their full diversity.

The UNCRC sets out 39 children's rights. Most of these rights are also protected as fundamental rights under the Charter.

Art.	Object
2	Non-discrimination
3	Best interests of the child
5	Parental guidance and a child's' evolving capacities
6	Life, survival and development
7	Birth registration, name, nationality, care
8	Protection and preservation of identity
9	Separation from parents
10	Family reunification
11	Abduction and non-return of children
12	Respect for the views of the child
13	Freedom of expression
14	Freedom of thought, belief and religion
15	Freedom of association
16	Right to privacy
17	Access to information from the media
18	Parental responsibilities and state assistance
19	Protection from violence, abuse and neglect
20	Children unable to live with their family
21	Adoption
22	Refugee children

Art.	Object
23	Children with a disability
24	Health and health services
25	Review of treatment in care
26	Social security
27	Adequate standard of living
28	Right to education
30	Children from minority or indigenous groups
31	Leisure, play and culture
32	Child labour
33	Drug abuse
34	Sexual exploitation
35	Abduction, sale and trafficking
36	Other forms of exploitation
37	Inhumane treatment and detention
38	War and armed conflicts
39	Recovery from trauma and reintegration
40	Juvenile justice
41	Respect for higher national standards
42	Knowledge of rights

¹ See 'Explanations relating to the Charter of Fundamental Rights' on Article 24.

² COM(2021) 142 final.

Specific resources on the protection of the rights of the child

[UN Convention on the Rights of the Child](#) and its Optional protocols

[General Comments on the interpretation of the UNCRC](#)

[EU Strategy on the rights of the child, including Annex I and Annex II](#)

[Recommendation on integrated child protection systems and its annex](#)

[EU Children's Participation Platform](#)

[FRA Handbook on European law relating to the rights of the child](#)

[Theseus Database: Case-law of the European Court of Human Rights relevant to Children](#)

Non-legally binding instruments at UN level and at Council of Europe level.

During the impact assessment process, the team of the Commission's Coordinator on the rights of the child can support you: <u>ec-child-rights@ec.europa.eu</u> .
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