

**Brussels, 9 October 2002**

**Working Group II**

**Working document 24**

**Working group II "Incorporation of the Charter/ accession to the ECHR"**

**From:** The Secretariat  
**To:** Working Group II

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**Subject :** Comments on horizontal articles of the Charter

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Members of the Group will find herein comments on horizontal articles of the Charter

Comments on some of the points to be discussed by  
the Working Group on Charter  
at its meeting on 7 October 2002  
by  
VYTENIS POVILAS ANDRIUKAITIS,  
Member of the Convention

Based on the premise that the substance of the Charter as a compromise reached by the previous Convention should be respected, the horizontal articles of the Charter is the main part that we need to focus our attention on.

Therefore, I congratulate President António Vitorino on an excellent drafting of the compromise proposals concerning adjustments in the horizontal articles of the Charter both accommodating the concerns of some of the members of our Working Group and reflecting the broad discussions that took place in the Working Group meetings. I support the proposals by Mr. António Vitorino.

I would also like to express my support to Prof. Jürgen Meyer's proposal laid down in Working document No. 17 on the Enforceability of the Charter of Fundamental Rights and improvement of the individual's right to legal redress. I support the proposed amendment of Article 230 (4) EC aimed at enlarging standing for individuals to enable them to challenge general measures that are of direct or individual concern to them. I share the view that the present wording of the Article which requires that the challenged measure be of direct and individual concern to the applicant is too restrictive. It is fully understood that as a consequence of such an amendment the division of work between the national and the European courts may be disturbed. However, by broadening-up direct access to the Court of First Instance, we may ensure both individuals' right of access to a court and their right to an effective remedy at the European level. Moreover, that the recent case-law of the Court of Justice and the Court of First Instance invite us to initiate necessary treaty amendments. It is an opportunity that we do have. Therefore, I welcome Prof. Jürgen Meyer's proposal and would like to invite the Working Group to take it into account.

6 October 2002