**FRANET GUIDELINES**

**Charterpedia**

**Information request**

1. Background information

[Charterpedia](http://fra.europa.eu/en/charterpedia) is a FRA online tool, which provides easy-to-access information on the [Charter of Fundamental Rights of the European Union](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT). It aims at providing legal professionals, researchers but also interested individuals, quick access to Charter-related information. It is thus an information-hub providing relevant article-by-article information. Charterpedia lists case law by national courts, the Court of Justice of the European Union and the European Court of Human Rights referring to the Charter (“related case law”). Moreover, related legal sources (“explanations”) and FRA publications are displayed for each Charter Article. Full-text search or searches by country or deciding body of the case law is possible in the Case-law Database.

1. Research Objective

The focus of Charterpedia is thus currently on case law. FRA has decided to expand the scope of Charterpedia to include also constitutional national legal provisions that are of direct relevance to the Charter. Information in this regard was already collected some years ago but needs to be reviewed, updated and complemented before being published online on Charterpedia.

The objective of this information request is to update, for each Article of the Charter of Fundamental Rights of the European Union, information on the most relevant national constitutional provisions. The update includes ensuring that the full translation in English and proper reference to the sources are available.

1. Delivery timeline

The information must be delivered in accordance with the following timeline:

|  |  |
| --- | --- |
| 13 March 2018 | Dataset delivered to FRA |
| 23 March 2018 | FRA request for revisions and update |
| 30 March 2018 | Final dataset delivered to FRA |

1. Reference period

The update should consider all relevant national constitutional norms that fulfil the criteria (see section below) and are in force at the time of the implementation of the service.

1. Research methodology

Currently information on national constitutional law is not published in Charterpedia. However relevant information is available for all EU Member States except Croatia under this link: <http://194.30.15.238/en/charterpedia/article/1-human-dignity#group-info-law>. “Related law references” lead to the category “National constitutional law”, which allows to access the relevant norms for all Member States. This information needs to be revised and updated. Broken internet links need to be corrected.

1. **Fundamental Rights and national Constitutional law**

Contractors are required to provide, in a simple word document (no submission template will be provided), a paragraph (**up to 700 characters, spaces not included**) that in a succinct way describes how fundamental rights are reflected in the constitutional system of the country by replying to a)–d) below.

In terms of style, the paragraph should read like a descriptive, brief, factual (no assessment or judgemental language) introduction to the legal system of the country, which will be published in Charterpedia at the beginning of every entry. The description should provide the following information:

1. whether there is a central bill of rights, i.e. a full-fledged list of rights with constitutional ‘rank’
   * if yes, please provide exact title and embed the ‘most official’ internet link;
   * state how many provisions (such as numbered articles, not any subsets of these) it has;
   * indicate, whether it includes socio-economic rights,
   * state when it was adopted and whether and when it was most recently revised in substance;
2. if there is no central bill of rights:
   * whether there is/are one or more laws that list fundamental rights (please provide title).
   * whether fundamental rights are scattered across constitutional provisions across many different laws;
3. whether and how the EU Charter of Fundamental Rights is explicitly referred to in the text of the constitution (or the constitutional norm of a specific law or many laws ). Please also mention provisions in the constitution that explicitly refer to EU primary law (for instance by establishing the requirement that legislation has to be in line not only with the constitution or international obligations but also ‘EU treaties’);
4. whether and how the European Convention of Human Rights (ECHR) is referred to in the text of the constitution (or the constitutional norm of a specific law or many laws).
5. **Correction and update of references to the Charter and/or its provisions in national Constitution law**

Contractors are required to amend and update Annex 1 that compiles national provisions of constitutional rank that establish or implement rights that are also enshrined in the EU Charter of Fundamental Rights.

Example: under Article 12 of the Charter (“Freedom of assembly and association”), the Charterpedia should, for all 28 Member States, provide information on:

* the provisions in the national bill of rights that correspond to the ‘freedom of assembly and of association’, and/or
* national laws of constitutional rank that regulate the exercise of this right, and/or
* national laws that contain provisions of constitutional rank (please indicate which these provisions are).

There is no need to report national norms and provisions that do *not* have constitutional standing in the national system. Moreover norms and provisions that are of constitutional nature but only of *indirect* relevance to a given fundamental right are not to be considered. Charterpedia should only list constitutional norms that are explicitly listing or de facto implementing the respective fundamental right.

Amendments and update should be introduced using the **track changes** mode, in order to do so please:

* Please save the Annex 1;
* Click on review tab;
* Click on ‘Track changes’;
* Select “highlight changes” from the drop down menu. A little window should pop up. Check the box “Track changes while editing”; under ‘when’ please select ‘All’.
* Click OK to save.
* Another little window should pop up ‘no changes were found with the specified properties’, click OK.

Please use the filter ‘**country’** to view the information that need be amended and updated.

Annex 1 should be amended by:

1. modifying, where needed, the existing information in columns A (Title) , B (Body), H (URL title) and I (URL) (please check appropriateness of referring to the mentioned legal sources as well as accuracy of references, titles, translations and links);
2. adding new lines for those relevant constitutional provisions that do not yet appear in Annex 1; in this case:

* In column A ‘Title’ and H ‘URL title’ please indicate the title of the national provisions of constitutional rank (in national language on one line and in English on another line);
* In column B ‘Body’ please provide the relevant quote of the national provisions of constitutional rank (in national language on one line and in English on another line);
* In column C ‘Charter article’, please make sure that the relevant article of the Charter is indicated for each reference you provide – please use the multilingual Charter articles as provided;
* In column D ‘Country’, please make sure the country name is systematically indicated;
* In column G ‘Type of Law’ please make sure that ‘National constitutional law’ is systematically indicated;
* In column I ‘URL’ please provide the hyperlink (to the national language version on one line and to the English version if available on another line).

1. highlighting in yellow **those references/lines** that need to be deleted (because they are not relevant enough for the respective Charter right). Please note that the same constitutional law/provision might very well appear under different Charter rights (the information given, including translation and references has to be consistent).

Please do not delete or add any column to the Annex 1 table.

Annex 1 is an extract of the information available under the following link: <http://staging.fra.europa.eu/en/charterpedia/article/1-human-dignity#group-info-law>

Please bear in mind that the existing information in Annex 1 might suffer from various shortcomings that need to be addressed by the contractor:

* some of the Constitutional references are so far only available in one language (original or English translation);
* some hyperlinks are broken;
* some of the English translations may not be of high quality and need to be revised (where an official translation exists, this should be inserted );
* some of the translations into English are not necessarily placed right after the national language version e.g. the national language version of a constitutional reference may be reported in line 10 of Annex 1 and its English translation may be reported in line 22 of Annex 1; in this case the contractor simply has to check the quality of translation; In case that the English translation is missing the contractor needs to provide it.
* Some references may not be of a constitutional rank – these should be replaced by the relevant norms of constitutional rank.

1. Style and size

The FRA Style Guide must be strictly followed.

1. Annexes
   1. Annex 1 – Constitutional law references
   2. Evaluation sheet