EC/Council of Europe agreement: cooperation between the European Union Agency for Fundamental Rights and the Council of Europe

2007/0173(CNS) - 21/08/2007 - Legislative proposal

PURPOSE: to conclude an Agreement between the Community and the Council of Europe on co-operation between the European Union Agency for Fundamental Rights and the Council of Europe.

PROPOSED ACT: Council Decision.

BACKGROUND: in a bid to avoid agenda over-lap and work duplication the recently approved Council Regulation (EC) No 168/2007 on the establishment of a European Agency for Fundamental Rights (see CNS/2005/0124), states that the new Agency must co-ordinate its activities with those of the Council of Europe based in Strasbourg. To that end, the Regulation requires the Community to enter into an Agreement with the Council of Europe for the purpose of establishing close co-operation between the two.

Negotiations between the Commission and the Secretary General of the Council of Europe commenced in March 2007. The European Parliament has been kept fully informed of developments through out the negotiating process.

CONTENT: the purpose of this proposal is to conclude an Agreement between the European Community and the Council of Europe on co-operation between the European Agency for Fundamental Rights and the Council of Europe. Under the terms of the Agreement, the two parties agree to, inter alia:

- establish a framework of co-operation in order to avoid work duplication and in order to offer added value to mutual work;
- appoint contact persons to deal with matters concerning co-operation between the two parties;
- invite representatives from the Council of Europe Secretariat, as a general rule, to attend Agency Executive Board meetings. This shall not extend to particular agenda items for which, on account of their internal nature, such attendance would not be justified. Representatives may also be invited to other meetings organised by the Agency's management board;
- invite representatives of the Agency as observers to meetings of those Council of Europe intergovernmental committees in which the Agency has expressed an interest;
- exchange information and data with each other collected in the course of their activities – including access to online information;
- take due account, in the Agency's case, of the judgments and decision of the European Court of Human Rights;
- ensure, by means of their networks, a regular exchange of information concerning proposed activities on a reciprocal basis;
- consult regularly in order to co-ordinate the Agency's activities by carrying our research and scientific research surveys as well as drafting conclusions, opinion and reports with those of the Council of Europe in order to ensure complementarity. The consultation shall concern: the preparation of the Agency's annual work programme; preparation of the Agency's annual report on fundamental rights; co-operation with civil society;
- bolster co-operation through Agency grants to the Council of Europe as well as through the temporary exchange of staff;
- appoint an independent person to sit on the Management and Executive Boards of the Agency.

This Agreement abrogates and replaces the Agreement of 10 February 1999 between the European Community and the Council of Europe for the purpose of establishing, in accordance with Article 7 (3) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, close cooperation between the Centre and the Council of Europe.