European Union Agency for Fundamental Rights: adoption of a Multiannual Framework for 2007-2012

2010/0347(APP) - 02/12/2010 - Legislative proposal

PURPOSE: the amendment of multiannual framework for the European Union Agency for Fundamental Rights to extend its tasks to the fields of judicial cooperation in criminal matters and police cooperation.

BACKGROUND: to allow the EU Agency for Fundamental Rights to pursue its tasks properly, the precise thematic areas of its activity were to be determined by a Multiannual Framework covering five years, as stipulated in Article 5 (2) of Regulation (EC) No 168/2007.

The first Multiannual Framework was adopted by the Council in its Decision 2008/203/EC implementing Regulation (EC) No 168/2007 as regards the adoption of a Multiannual Framework for the EU Agency for Fundamental Rights 2007-2012.

The current Multiannual Framework does not include the thematic areas of judicial cooperation in criminal matters and police cooperation.

The Commission continues to consider that the Fundamental Rights Agency should be able to pursue its activities (as defined by the Regulation), in the areas of judicial cooperation in criminal matters and police cooperation. The legally binding nature of the Charter of Fundamental Rights and the suppression of the so-called "pillars" make a stronger case for the addition of these areas to the activities of the Agency.

IMPACT ASSESSMENT: the Commission had launched a wide public consultation before putting forward its proposal for the creation of a Fundamental Rights Agency. Consulted stakeholders had expressed a strong wish for the areas of judicial cooperation in criminal matters and police cooperation to be included in the scope of the Agency's activities. The results of this consultation were part of the impact assessmentaccompanying the proposal.

LEGAL BASE: the Commission considers that Article 5(1) of Regulation 168/2007 is a secondary legal base within the meaning of the European Court of Justice's judgement in case C-133/06. The legal basis for the current proposal should therefore be the same as that of the Regulation, that is, current Article 352 of the TFUE.

CONTENT: the proposal adds the areas of judicial cooperation in criminal matters and police cooperation to the thematic areas of the current Multi-annual Framework. Pursuant to chapters 4 and 5 of Title V of the TFEU, the European Union can adopt a variety of measures in these areas, which in some cases raise delicate fundamental rights issues.

By performing its activities in the areas of judicial cooperation in criminal matters and police cooperation, the Agency will contribute to the Union's goal of ensuring that the measures it adopts, as well as their implementation, comply with the Charter of Fundamental Rights.

FINANCIAL IMPACT: the proposal has no implications for the EU’s Budget.