European Union Agency for Fundamental Rights

2020/0112R(APP) - 25/03/2021 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the interim report by Lukas MANDL (EPP, AT) on the proposal for a Council regulation amending Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights.

The European Union Agency for Fundamental Rights has a key role in providing information, assistance and expertise on fundamental rights and in promoting and protecting fundamental rights in the European Union.

Members consider that the proposal for a Council regulation represents a step forward in making the Agency's work more effective but regret that the legal basis currently requires unanimity in the Council and Parliament's approval, which limits Parliament's involvement in the reform.

The committee responsible calls on the Council to take account of the following considerations when amending the Agency's founding regulation:

Scope of the regulation

Acts or activities of the Union or Member States relating to or within the framework of the Common Foreign and Security Policy and within the area of freedom, security and justice should be covered by the Agency's remit. In this respect, Members stressed the following points:

- the Agency’s mandate should encompass the area of police and judicial cooperation in criminal matters and issues related to respect for fundamental rights at the Union’s external borders, and focus on questions relating to the mutual recognition of judicial decisions and judgments between Member States;

- the Agency should play an important role in providing valuable input and contributions in the context of proceedings under Article 7 of the TEU and the annual rule of law report;

- the Agency should also contribute in the future within the context of Regulation (EU, Euratom) 2020 /2092 on a general regime of conditionality for the protection of the Union budget;

- the Agency’s role as an instrument for defending the principles of democracy, the rule of law and fundamental rights, especially in times characterised by worrying authoritarian tendencies.

The report encouraged the Commission and the Council to systematically incorporate the data produced by the Agency into their policymaking and commits Parliament to the same objective.

Cooperation with third countries

Members advocated broadening the scope of membership to third countries, such as European Economic Area/European Free Trade Association countries, the UK after Brexit and countries covered by the European neighbourhood policy.

Areas of activity

In addition to the fight against racism, xenophobia and related intolerance, Members emphasised the Agency’s commitment to combat any form of discrimination and called on the Agency to continue to

monitor developments in hate speech and hate crime and to publish regular reports on cases and trends in this area.

The operational part of the new Regulation should also cover the fight against anti-gypsyism, anti-semitism, islamophobia and racism based on skin colour and the protection of the rights of members of minorities and respect for political and other views.

Annual and multiannual programming

Members suggested discontinuing the current five-year Multiannual Framework to allow the Agency to adjust its work and thematic focus to emerging priorities. The Agency should prepare its programming in close consultation with the national liaison officers.

The draft programming document should be sent to the competent Council preparatory body and the European Parliament for discussion. The Director of the Agency would then submit the draft programming document to the Agency's Management Board for adoption.

Management Board

The Committee on Civil Liberties, Justice and Home Affairs should have the right to nominate one additional member of the Agency's Management Board. Members suggested including a requirement on gender balance in the bodies established by the Agency's founding Regulation.

Independent evaluation and review of the Agency's activities

An independent external evaluation should be carried out every five years to assess the impact, effectiveness and efficiency of the Agency's activities and achievements and its working methods. The Commission should transmit the evaluation report and recommendations to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public.

Tasks

At the request of the Council, the Commission or the Parliament, the Agency should be able to carry out independent scientific research, surveys, preparatory and feasibility studies, as well as to formulate and publish conclusions and opinions on specific thematic issues, including country-specific assessments and opinions on legislative proposals at different stages of the legislative procedure and opinions on proceedings under Article 7 of the EU Treaty.

The active role of the Agency in the future EU mechanism for democracy, rule of law and fundamental rights should be included in the Regulation.