European Union Agency for Fundamental Rights

2020/0112R(APP) - 20/05/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 529 votes to 145, with 17 abstentions, a resolution on the proposal for a Council regulation amending Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights.

Parliament believes that the proposal for a Council regulation represents a step forward in making the work of the European Union Agency for Fundamental Rights more effective. The Agency makes an important contribution to the enforcement of fundamental rights and its role should be strengthened as a fully-fledged, independent Union agency and guardian of fundamental rights.

Reaffirming its determination to give the Agency the means to fully exercise its activities in all areas of Union competence, Parliament regretted that it had not been able to contribute more to the reform of the Agency, recalling that it would have preferred the ordinary legislative procedure. It called on the Commission, as it has done for other agencies in the field of justice and home affairs, to increase the Agency's budget sufficiently to enable it to fully carry out its mandate.

Parliament called 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.

Parliament 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

Members warned that hate speech and various forms of racism, xenophobia and related intolerance are increasing and becoming commonplace in many Member States as a result of the rise of extremist movements, and are particularly intensifying online, especially since the start of the COVID-19 pandemic.

In addition to the fight against racism, xenophobia and intolerance, and the more general commitment to combating all forms of discrimination and hate crime, the new regulation should also cover the fight against anti-gypsyism, anti-Semitism, Islamophobia and racism based on skin colour, the protection of the rights of members of minorities and respect for political and other opinions.

Programming

Members proposed discontinuing the Commission to discontinue the current five-year multiannual framework and suggested that the draft programming document should be sent to the competent Council preparatory body and the European Parliament for discussion. Thereafter, the Agency's Director would submit the draft programming document to the Agency's Management Board for adoption.

The Committee on Civil Liberties, Justice and Home Affairs should have the right to nominate an additional member of the Agency's Management Board. Members suggested including a gender requirement 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, or on its own initiative, 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.