European Union Agency for Fundamental Rights

2005/0124(CNS) - 30/06/2005 - Legislative proposal

PURPOSE : The establish a European Union Agency for Fundamental Rights.

PROPOSED ACT : Council Regulation.

CONTENT: In 2003 the Member States agreed to build upon the existing European Monitoring Centre on Racism and Xenophobia (EUMC), based in Vienna and to extend its mandate by turning it into a Human Rights Agency. For legal reasons the Commission is presenting two separate proposals concerning the establishment of the Agency. The first is this Regulation, which is the appropriate instrument for establishing an Agency and the second is a Decision (CNS/2005/0125), which seeks to entrust the Agency with tasks in areas referred to in Article VI of the TEU.

The Charter of Fundamental Rights of the European Union is the point of reference for the Agency's mandate. The objective of the Agency will be to provide the relevant EU institutions, bodies, offices and agencies with assistance and expertise relating to fundamental rights when defining policies or implementing legislation. The thematic areas of activity will be distinguished by a Multi-annual Framework, determined by an implementing Regulation. The idea of the Agency is to allow the Council, for example, to exploit the Agency's expertise when acting on a proposal by one third of the Member States, by the European Parliament or by the Commission during the procedure under Article 7 of the TEU. Importantly, the mandate of the Agency will not be to carry out systematic and permanent monitoring of the Member States for the purposes of Article 7. More specifically speaking the Agency will be expected to perform the following operational objectives:

- To collect, record, analyse and disseminate information on how fundamental rights are affected by the implementation of Community policy;
- To identify and validate good practice and to analyse how fundamental rights are respected by the EU institutions when implementing EU law;
- To develop methods whereby the comparability of and quality of the fundamental rights data collected at both an EU and national levels are observed;
- To carry out scientific studies;
- To produce annual reports on the state of play of fundamental rights in the Union.

A further role of the Agency will be to collaborate closely with relevant organisations and bodies in order to gain synergies with them. For instance, the work on statistics will be in line with the actions developed in the context of the Community Statistical Programme. To avoid any overlapping, the Agency will build close institutional ties with the Council of Europe and other relevant Community bodies especially with the European Institute for Gender Equality.

The Regulation sets out the structure of the Agency by specifying that is shall comprise of:

- a management board;
- an executive board;

- a director;
- a forum.

Given that the existing EUMC is located in Vienna the proposal suggests that the Agency should take over the seat of the EUMC in its current location. Upon the adoption of the proposed Regulation and accompanying Decision, existing legislation relating to the EUMC will be repealed.

Regarding budgetary implications, it is being proposed that the Agency begin work as early as 1 January 2007, with a considerably extended mandate. In order to take account of the inevitable transition period, a growing budget for the period 2007-20013 is being proposed.

For more details concerning the financial implications of this measure, please refer to the financial statement.