European Union Agency for Fundamental Rights

2005/0124(CNS) - 12/10/2006 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament decided to postpone the final vote on the reports by Kinga **GÁL** (EPP-ED, HU) and Magda **KOSANE KOVACS** (PES, HU) on the establishment of the EU Fundamental Rights Agency to signal that it insists the scope of the new body to be extended to intergovernmental cooperation in policing, justice, immigration and counter-terrorism issues. The rapporteurs proposed that the final vote should be postponed in order to give the Commission more time to reach a compromise with the Council. Certain Member States favour the proposition that the Agency should deal not only with first pillar issues but also third pillar ones such as police and justice cooperation which includes measures on immigration and counter-terrorism. (Please see **CNS/2005/0125**).

Accordingly, Parliament approved the decision of its competent committees and accepted the 43 amendments proposed by the latter. It also rejected by a large majority (113 votes for, 489 against and 16 abstentions) the proposition of the IND/DEM group to reject the Commission's entire proposal.

The European Parliament's amendments largely dealt with the question of enlarging the competences of the Agency. The key amendments were as follows:

- as the Agency is to be built upon the existing European Monitoring Centre on Racism and Xenophobia, the work of the Agency should continue to cover the phenomena of racism, xenophobia and anti-Semitism, as well as the protection of rights of persons belonging to minorities, as essential elements in the protection of fundamental rights;

- the Agency should make its technical expertise available to the European Parliament as well as to the Council;

- it should develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights and actively inform the public of its work;

- the Management Board of the Agency, taking due account of the guidelines arising from European Parliament resolutions and Council conclusions in the field of fundamental rights, shall, on the basis of a proposal by the Commission, adopt a multi-annual framework;

- the Agency should carry out its tasks within the thematic areas determined by the multi-annual framework. However, the Agency shall also respond to requests from the European Parliament, the Council or the Commission that fall outside those thematic areas, provided that its financial and human resources so permit;

- in order to ensure close cooperation with Member States, each Member State shall nominate a government official as a national liaison officer;

- the organisations with which the Agency should cooperate should include national human rights institutions, and the OSCE, especially the Office for Democratic Institutions and Human Rights (ODIHR), the United Nations and other international organisations;

- the appointee of the Council of Europe should sit on the Agency's the Agency's Executive Board as well as its Management Board;

- Parliament has inserted a clause establishing and defining the duties of a Fundamental Rights Platform;

- the term of office of the members and alternate members of the Management Board shall be five years. It shall not be renewable;

- the geographical scope of the Agency should be widened from EU Member States to both candidate countries and to states with stabilisation and association agreements;

- Parliament wants more say in how the agency works, including a consultative role on appointment of the body’s director and on the agency’s five-year work plan;

- the Agency should have a Scientific committee which will consist of eleven independent experts and will guarantee the scientific quality of the work.

Lastly, the European Parliament wants the deadline for the independent external evaluation of the Agency to be 31 December 2011, rather than 31 December 2009 as originally proposed. Such an evaluation should include an assessment of the possible need to modify the Agency's tasks, scope, and areas of activity or structure.