Basic information

2005/2007(INI) INI - Own-initiative procedure	Procedure completed
Promotion and protection of fundamental rights: the role of national and European institutions, including the Fundamental Rights Agency **Subject** 1.10 Fundamental rights in the EU, Charter	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	GÁL Kinga (PPE-DE)	25/11/2004

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	NICHOLSON OF WINTERBOURNE Baroness null (ALDE)	01/02/2005
DEVE Development	The committee decided not to give an opinion.	
CULT Culture and Education	MAVROMMATIS Manolis (PPE-DE)	25/11/2004
AFCO Constitutional Affairs	GUARDANS CAMBÓ Ignasi (ALDE)	20/01/2005

Key events

Date	Event	Reference	Summary
24/02/2005	Committee referral announced in Parliament		
26/04/2005	Vote in committee		Summary
12/05/2005	Committee report tabled for plenary	A6-0144/2005	
25/05/2005	Debate in Parliament		
26/05/2005	Decision by Parliament	T6-0208/2005	Summary
26/05/2005	Results of vote in Parliament		

26/05/2005	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2007(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/25781

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	AFCO	PE355.434	20/04/2005	
Committee opinion	CULT	PE353.603	21/04/2005	
Committee opinion	AFET	PE355.623	27/04/2005	
Committee report tabled for plenary, single reading		A6-0144/2005	12/05/2005	
Text adopted by Parliament, single reading		T6-0208/2005 OJ C 117 18.05.2006, p. 0025-0242 E	26/05/2005	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2004)0693	25/10/2004	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0280/2004 OJ C 031 07.02.2006, p. 0006-0010	06/07/2005	

Promotion and protection of fundamental rights: the role of national and European institutions, including the Fundamental Rights Agency

2005/2007(INI) - 25/10/2004 - Document attached to the procedure

The representatives of the Member States meeting within the European Council in Brussels in December 2003 decided to extend the remit of the European Monitoring Centre on Racism and Xenophobia in order to convert it into a Fundamental Rights Agency.

That decision ended a long debate in which support for setting up such an Agency was widely expressed. In June 1999, the Cologne European Council had suggested examining the need for an Agency for human rights and democracy, an idea supported by the European Parliament. The Commission fully supports the decision, which is line with the specific commitments of the Union to respect fundamental rights.

Furthermore, accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) will strengthen the EU's commitment to protecting human rights by introducing external judicial review of the Union's respect for fundamental rights.

The decision to set up a Fundamental Rights Agency clearly continues the policy begun with the objectives entrusted to the Centre, which already has the task of giving the Community institutions the means to fulfil their obligation to respect fundamental rights in drawing up and implementing policies and acts adopted within their fields of competence. To that end, the main task of the Centre, which at present has limited staff and resources, is to collect and analyse data on racism and xenophobia and study the causes.

At the time the December 2003 decision was adopted, the Commission had presented a proposal to recast the regulation establishing the Centre following an external assessment of the Centre. Although the proposal was withdrawn, the conclusions of the assessment remain valid as regards the Centre and will be taken into consideration when the Agency is set up.

The establishment of the Agency raises delicate questions such as the legal basis (the Commission will carefully examine the impact of the Community's limited powers in the area of fundamental rights when drafting its proposal for a regulation setting up the Agency), the financial resources it will be given and the questions linked to the definition of its field of action, its missions and tasks and the relations it might develop with the Council of Europe and other international institutions. It also raises problems concerning the adaptation of the existing structure to ensure that the Agency is effective.

The solutions to these problems should be sought with an eye to the beneficiaries of the Agency's activities: the EU institutions, the Member States and civil society in general. The Agency should be a crossroads facilitating contact between the different players in the field of fundamental rights, allowing synergies and increased dialogue between all concerned. This should benefit the holders of fundamental rights, citizens and all those within the EU.

The national institutions for the protection and promotion of human rights, set up by some Member States on the basis of UN principles (13) (14), can serve as a source of inspiration when establishing the Agency, even though care should be taken to avoid simply transposing these examples, given the specificity of the EU. According to those principles, the institutions must have consultative, informative and monitoring functions and be able in particular to formulate opinions and draw up studies and reports and education and information schemes.

Several national institutions also have quasi-judicial powers (dealing with complaints and petitions). The Agency will not have similar powers as the Treaty has already conferred them on the institutions: the Commission's role of supervising the proper application of Community law must be respected.

The tasks of the Agency, which will be set up by an instrument of secondary legislation, must not encroach on the powers conferred on the EU institutions by the Treaties. Like any other Community agency, it will be a European public-law entity, separate from the Community institutions and possessing its own legal personality. It will carry out highly specific technical, scientific or administrative tasks defined in the instrument setting it up and will have no decision-making powers. Its task will thus be to provide support for the institutions, the Member States, the members of civil society and individuals.

Lastly, as the Agency is to operate in a global environment, it must ensure that it is receptive to that environment. Dialogue with the different actors in the field of fundamental rights must be encouraged at this level too.

Public consultation: In 2005, the Commission will present a proposal for a regulation relating to the Agency, following in-depth consultations with all those involved in the development of fundamental rights in the EU.

Contributions received will be published on "Your Voice in Europe" with the authors' names, unless they wish to remain anonymous or request that their entire contribution be treated as confidential.

The dialogue on the Agency will end with a hearing, attended by the interested parties, to be held on 30 November 2004.

Promotion and protection of fundamental rights: the role of national and European institutions, including the Fundamental Rights Agency

2005/2007(INI) - 26/05/2005 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report by Kinga GAL (EPP-ED, HU) on fundamental rights. (Please see the document dated 26/04/2005.) Parliament felt that there should be an institutionalised link between the Council of Europe and the future Agency on Fundamental Rights, both to avoid duplication and to give the Agency all necessary input and to ensure its effectiveness. The Agency must have a strong mandate and the power to follow the development of the implementation of the Charter of Fundamental Rights within the European Union and accession countries. Parliament stressed that the Agency should also be able to cover third countries when they are involved in human rights issues affecting the Union, for example in cases where there are suspected violations of the democracy clause. It also felt that the Agency will enjoy enhanced legitimacy if its management bodies are appointed by, and answerable to, the European Parliament and report to the competent parliamentary committees.

As part of its task to promote fundamental rights, the future Agency should provide proactive support to human rights policy-making in two ways: by identifying where legislative improvements would be most welcome and by monitoring the implementation and enforcement of existing legislation.