Basic information

2007/0189(CNS) CNS - Consultation procedure Decision	Procedure completed
European Union Agency for Fundamental Rights: adoption of a Multiannual Framework for 2007-2012 (implem. Regulation (EC) No 168 /2007) **Subject** 1.10 Fundamental rights in the EU, Charter 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CASHMAN Michael (PSE)	11/09/2007

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	ROUČEK Libor (PSE)	03/10/2007
FEMM Women's Rights and Gender Equality	GIBAULT Claire (ALDE)	16/10/2007

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2853	2008-02-28

European Commission

Commission DG	Commissioner
Research and Innovation	FRATTINI Franco

Key events

Date	Event	Reference	Summary
12/09/2007	Legislative proposal published	COM(2007)0515	Summary
27/09/2007	Committee referral announced in Parliament		
18/12/2007	Vote in committee		Summary
20/12/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0514/2007	

15/01/2008	Debate in Parliament		
17/01/2008	Decision by Parliament	T6-0014/2008	Summary
17/01/2008	Results of vote in Parliament		
28/02/2008	Act adopted by Council after consultation of Parliament		
28/02/2008	End of procedure in Parliament		
07/03/2008	Final act published in Official Journal		

Technical information

Procedure reference	2007/0189(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/53095

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE396.754	05/11/2007	
Committee opinion	AFET	PE396.675	29/11/2007	
Amendments tabled in committee		PE398.472	04/12/2007	
Committee opinion	FEMM	PE396.747	17/12/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0514/2007	20/12/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0014/2008	17/01/2008	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2007)0515	12/09/2007	Summary
Commission response to text adopted in plenary	SP(2008)1176	27/02/2008	

Additional information

Source	Document	Date

National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
Decision 2008/0203 OJ L 063 07.03.2008, p. 0014 Summary

European Union Agency for Fundamental Rights: adoption of a Multiannual Framework for 2007-2012 (implem. Regulation (EC) No 168/2007)

2007/0189(CNS) - 17/01/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution based on the report drafted by Michael **CASHMAN** (PES, UK) amending, under the consultation procedure, the proposal for a Council decision implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012. The resolution was adopted by 462 votes for, 60 against and 51 abstentions. The amendments extend the scope of the Agency to cover new areas of competence.

The main amendments were as follows:

-a new Article states that the Agency may formulate and publish conclusions and opinions on thematic areas not covered by Article 2 where there are exceptional and compelling circumstances. Under such circumstances, notification of tasks undertaken shall be sent to the Commission, the Council and the European Parliament. An amendment in the recitals states that the Framework should include amongst the thematic areas of the Agency's activity protection of the rights of persons belonging to ethnic or national minorities;

-another new Article states that the Commission may, at its own initiative or at the initiative of the Council, the European Parliament or the Management Board of the Agency, not earlier than one year after adoption of the Multiannual Framework, make a proposal to review the Framework in accordance with the procedure provided for in Article 5(1) of Regulation (EC) No 168/2007;

-in its work in the thematic areas, the Agency shall seek to identify the economic, social and cultural factors that contribute to respect for human rights in those areas or which may constitute root causes of violations of human rights. Parliament amended the list of thematic areas, adding the following: a) discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation or of persons belonging to **traditional national and linguistic minorities and any combination of these grounds (multiple discrimination);** b) access to efficient and independent justice, **in relation to the rights of defendants and suspects**; c) extreme poverty and social exclusion;

-a new clause stipulates that the Agency shall actively cooperate with candidate countries in the field of fundamental rights in order to facilitate their compliance with Community law;

-the Agency shall deal with issues relating to discrimination based on sex, in particular instances of multiple discrimination, only as part of, and to the extent relevant to its work to be undertaken on general issues on discrimination referred to in the text, while respecting the objectives and remit of the European Institute for Gender Equality established by Regulation (EC) No 1922/2006. The arrangements for cooperation between the Agency and the Institute shall be laid down in a memorandum of understanding in accordance with Article 7 of Regulation (EC) No 168/2007.

It should be noted that Parliament inserted some new recitals into the text, and these are as follows;

-the Agency may work outside the thematic areas determined in the Multiannual Framework at the request of the European Parliament, the Council or the Commission, provided its financial and human resources so permit;

-the Framework defines the thematic areas on which the Agency should work, whereas the Agency's tasks are determined by Article 4 of Regulation (EC) No 168/2007, which mentions in particular the task of raising public awareness of fundamental rights and of actively disseminating information about the work of the Agency;

-all human beings are born equal and therefore human rights are indivisible and inviolable;

-the Agency should report regularly to the European Parliament;

-it is necessary to monitor compliance by the EU institutions and all the Member States with all international human rights conventions to which the Member States are party.

European Union Agency for Fundamental Rights: adoption of a Multiannual Framework for 2007-2012 (implem. Regulation (EC) No 168/2007)

2007/0189(CNS) - 28/02/2008 - Final act

PURPOSE: to establish the multi-annual framework for the European Union Agency for Fundamental Rights for 2007-2012.

LEGISLATIVE ACT: Council Decision 2008/203/EC implementing Regulation (EC) No 168/2007 as regards the adoption of a multi-annual framework for the European Union Agency for Fundamental Rights for 2007-2012.

BACKGROUND: on 15 February 2007, the Council adopted Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights (see CNS/2005/0124). The Agency, which became operational on 1 March 2007, aims to provide the relevant institutions and authorities of the Community and its Member States with assistance and expertise relating to fundamental rightswhen implementing the Community law. The tasks entrusted to the Agency mainly include: the collection and analysis of information and data on the respect of fundamental rights; the provision of advice to EU institutions and bodies, as well as to Member States, through reports and opinions; cooperation with civil society; and raising awareness among the public.

According to Article 5 of the Regulation, the thematic areas of activity must be determined by the Council, through a multi-annual framework. This Decision aims to clearly establish this framework.

CONTENT: the multi-annual framework for the Agency's activities for 2007-2012 is as follows:

1. **Thematic areas**:

   (a) racism, xenophobia and related intolerance;

   (b) discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and, upon request by the Parliament, any combination of these grounds (multiple discrimination);

   (c) compensation of victims;

   (d) the rights of the child, including the protection of children;

   (e) asylum, immigration and integration of migrants;

   (f) visa and border control;

   (g) participation of the citizens of the Union in the Union's democratic functioning;

   (h) information society and, in particular, respect for private life and protection of personal data;

   (i) access to efficient and independent justice.

Complementarity: the multi-annual framework also includes provisions that aim to ensure a complementarity with the missions of other Community bodies and agencies, as well as with the Council of Europe and other international organisations working in the area of fundamental rights. The Community bodies and agencies that are most directly affected by the Agency's multi-annual framework are the European Institute for Gender Equality (see COD/2005/0017), and the European Data Protection Supervisor (see COD/1999/0153).

Regarding this complementarity, a memorandum of understanding will be concluded between the Agency and the Institute, once the latter is in place, to ensure appropriate coordination. The Agency shall deal with issues relating to discrimination based on sex only as part of, and to the extent relevant to its work to be undertaken on general issues on discrimination, whereas the European Institute for Gender Equality shall be responsible for contributing to and strengthening the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies.

In the same way, the Decision establishes the allocation of tasks between the Agency and the European Data Protection Supervisor: the Agency shall carry out tasks in the area of human rights issues relating to the information society, whilst the European Data Protection Supervisor will ensure that the fundamental rights and freedoms of natural persons, and in particular their right to privacy, are respected by Community institutions and bodies.

Lastly, the Agency shall coordinate its activities with those of the Council of Europe, in the framework of a future agreement to be concluded with this non-EU body (see CNS/2007/0173).

It should be noted that this Decision has no direct implication for the EU budget.

ENTRY INTO FORCE: 28/02/2008.

European Union Agency for Fundamental Rights: adoption of a Multiannual Framework for 2007-2012 (implem. Regulation (EC) No 168/2007)

2007/0189(CNS) - 12/09/2007 - Legislative proposal

PURPOSE: setting the multiannual framework for the European Union Agency for Fundamental Rights, 2007-2012.

PROPOSED ACT: Council Decision.

BACKGROUND: in February 2007, legislation adopting the European Union Agency for Fundamental Rights (seeCNS/2005/0124)was published and the Agency became fully operational on 1 March 2007. The Agency's objective is to provide Community institutions, bodies, offices and agencies, as well as the Member States, with assistance and expertise in the field of fundamental rights – particularly so when formulating policies and legislation concerning fundamental human rights. The tasks entrusted to the Agency include the collection and analysis of information and data; the provision of advice through reports and opinions; and awareness raising.

According to Article 5 of the Regulation, the thematic areas of activity must be determined by the Council through a multiannual framework. Within these thematic areas the Agency will, in complete independence, carry out the tasks outlined above. The European Parliament, Council or Commission may request work outside of the thematic areas - human resources and financing permitting.

CONTENT: the purpose of this proposal is to set the thematic areas that are to be included in the multiannual framework of the Agency, 2007-2012. The proposed list is based on the results of a wide-ranging consultation process as well as taking account of Parliamentary Resolutions and Council deliberations. The proposed list is "policy-based" as well as "topical" thereby allowing the Agency to examine all problems associated with the abuse of human rights within a given thematic theme. Thus, to some extent, all Chapters of the Charter of Fundamental Rights of the European Union will be covered.

In brief, the proposed thematic areas are as follows:

- Racism, xenophobia and related intolerance: this thematic area is prescribed by the Regulation itself.
- Discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, or persons belonging to minorities: as well as the topics listed in this heading, this thematic will also cover "multiple discrimination" at the work place. As far as "sexual orientation" is concerned recent developments in the EU, as well as strong demand from the European Parliament on homophobia, requires this later topic to be included in the multi-annual framework. On the matter of "gender issues", the Agency will seek to streamline work with that of the European Institute for Gender Equality.
- Compensation for victims, prevention of crime and related aspects relevant to the security of citizens: Security is essential to EU citizens within an area of freedom, security and justice. Crime prevention is an indispensable part of this work and as such victims' rights should be included under the thematic areas.
- Protection of children, including the rights of the child: work will focus on matters relating to free movement, education, social inclusion, youth policies and the media.
- Immigration: work will focus on the treatment of immigrants at border crossings and detention centres for illegal immigrants. It will also concentrate on victims of human trafficking, immigrant integration, female mutilation and forced marriages.
- Asylum: this heading will focus on a particularly vulnerable group of people, who are already subject to extensive Community asylum legislation.
- Border and Visa policy: specific clauses already exist in Community legislation relating to the protection of, and respect for, fundamental human rights in border and visa policy.
- Participation in the Union's democratic functioning: this thematic study will concern itself with citizens' right to participate in local elections and elections to the European Parliament.
- Human rights and the information society: under this heading issues such as the right to a private life and data protection will be analysed. It will be closely linked to transparency issues as well as touching on issues related to the internet and other electronic communication mechanisms, radio frequency identification, freedom of speech and public interests of security.
- Access to efficient and independent justice: extensive Community legislation in this field (legal aid, simplified civil procedures, common law etc.) already exists and as such is important to the European area of civil justice.

Complementarity: the proposed Framework should include provisions with a view of ensuring complementarity with the remit of other Community and Union bodies, offices and agencies, as well as with the Council of Europe and other international organisations active in the field of fundamental rights. The most relevant Community agencies and bodies in relation to this Multiannual Framework are the European Institute for Gender Equality (COD/2005/0017) and the European Data Protection Supervisor (COD/1999/0153).

In this context, because the gender equality issues will be dealt by the European Institute for Gender Equality, a memorandum of understanding will be concluded between the Agency and the Institute once the latter is in place to ensure appropriate coordination.

The Agency shall deal with issues relating to discrimination based on sex only as part of, and to the extent relevant to its work to be undertaken on general issues on discrimination taking into account that the overall objectives of the European Institute for Gender Equality shall be to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all Community policies and the resulting national policies.

The Agency shall carry out its tasks in the area of human rights issues relating to the information society without prejudice to the responsibilities of the European Data Protection Supervisor for ensuring that the fundamental rights and freedoms of natural persons, and in particular their right to privacy.