



Procedure file

Basic information		
CNS - Consultation procedure Decision	2005/0125(CNS)	Procedure lapsed or withdrawn
European Union Agency for Fundamental Rights: pursuing actions on police and judicial co-operation in criminal matters, Treaty TEU Title VI		
Subject		
1.10 Fundamental rights in the EU, Charter		
7.30.05 Police cooperation		
7.40.04 Judicial cooperation in criminal matters		
8.40.08 Agencies and bodies of the EU		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	PSE KÓSZÁNÉ KOVÁCS Magda	14/09/2005
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2768	04/12/2006
	Justice and Home Affairs (JHA)	2752	05/10/2006
	General Affairs	2736	12/06/2006
European Commission	Commission DG Justice and Consumers	Commissioner FRATTINI Franco	

Key events			
30/06/2005	Legislative proposal published	COM(2005)0280	Summary
29/09/2005	Committee referral announced in Parliament		
12/06/2006	Debate in Council	2736	Summary
13/09/2006	Vote in committee		Summary
18/09/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0282/2006	
05/10/2006	Debate in Council	2752	Summary
12/10/2006	Results of vote in Parliament		
12/10/2006	Debate in Parliament		

12/10/2006	Decision by Parliament	T6-0415/2006	Summary
30/11/2006	Decision by Parliament	T6-0510/2006	Summary
04/12/2006	Debate in Council	2768	

Technical information

Procedure reference	2005/0125(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on the European Union (after Amsterdam) M 030; Treaty on the European Union (after Amsterdam) M 034-p2c; Treaty on the European Union (after Amsterdam) M 031
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/6/29476

Documentation gateway

Legislative proposal	COM(2005)0280	30/06/2005	EC	Summary
Document attached to the procedure	SEC(2005)0849	30/06/2005	EC	Summary
Committee draft report	PE369.852	07/02/2006	EP	
Amendments tabled in committee	PE370.082	15/02/2006	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0282/2006	18/09/2006	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading	T6-0415/2006	12/10/2006	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T6-0510/2006	30/11/2006	EP	Summary
Commission response to text adopted in plenary	SP(2007)0054	11/01/2007	EC	

Additional information

European Commission	EUR-Lex
---------------------	-------------------------

European Union Agency for Fundamental Rights: pursuing actions on police and judicial co-operation in criminal matters, Treaty TEU Title VI

PURPOSE: To empower the European Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the TEU.

PROPOSED ACT: Council Decision.

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 a Regulation (see CNS/2005/0124), which is the appropriate instrument for establishing an Agency and the second this Decision, 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.

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.

European Union Agency for Fundamental Rights: pursuing actions on police and judicial co-operation in criminal matters, Treaty TEU Title VI

The Council took note of work on a draft Regulation aimed at establishing an EU Agency for Fundamental Rights and on a draft Decision on pursuit by the agency of its activities. It requested the Permanent Representatives Committee to continue work on the remaining outstanding questions so as to enable the Council to reach an agreement.

European Union Agency for Fundamental Rights: pursuing actions on police and judicial co-operation in criminal matters, Treaty TEU Title VI

The committee adopted the report by Magda KÓSZÁNYI KOVÁCS (PES, HU) approving the proposed decision on the activities of the EU Agency for Fundamental Rights, subject to just one amendment (under the consultation procedure). This introduced a new recital referring to Article 11 of the TEU, stipulating that the Union should "define and implement a common foreign and security policy covering all areas of foreign and security policy, with the objective of developing and consolidating democracy and the rule of law and respect for human rights and fundamental freedoms".

European Union Agency for Fundamental Rights: pursuing actions on police and judicial co-operation in criminal matters, Treaty TEU Title VI

The Council had an exchange of views on the state of play regarding the establishment and effective functioning of the Agency.

The debate focused on the main outstanding question, which is the extension of the scope of the Agency to questions relating to police and judicial penal cooperation (Title VI of the Treaty on European Union, the so-called "Third Pillar").

The Presidency called on Member States, in a constructive spirit, to help in finding a compromise solution to this question, with a view to establishing of the Agency before the end of the year, in accordance with the timeframe set by the European Council in June 2006.

In this respect, the Presidency indicated that it would submit a compromise solution to delegations in the near future.

European Union Agency for Fundamental Rights: pursuing actions on police and judicial co-operation in criminal matters, Treaty TEU Title VI

The European Parliament decided to postpone the final vote on the report by Magda KÓSZÁNYI KOVÁCS (PSE, HU) regarding the extension of the competences of the Agency to matters covered by Title VI of the TEU (3rd pillar ? intergovernmental cooperation.) In doing so, Parliament wished 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.

Accordingly, Parliament approved the decision of its competent committees and accepted the 43 amendments proposed by the latter on the legislation concerning the establishment of the

Agency. (Please see CNS/2005/0124). It also rejected by a large majority the proposition of the IND/DEM group to reject the Commission's entire proposal.

Parliament inserted here a new recital stating that the Agency's remit enables it to provide protection for human rights not only in the field of terrorism and organised crime but also in other fields, such as trafficking in persons, offences against children, illicit drug and arms trafficking and corruption and fraud, where measures can also weaken the effectiveness of the protection of human rights.

European Union Agency for Fundamental Rights: pursuing actions on police and judicial co-operation in criminal matters, Treaty TEU Title VI

The European Parliament adopted a resolution drafted by Magda Kovács (PES, HU) by 469 votes in favour to 101 against with 13 abstentions. It approved the Commission proposal as amended by Parliament on 12 October 2006. This resolution is closely connected to that drafted by Kinga GÁL and adopted on the same date. (Please see CNS/2005/0124.)