











Procedure file

Basic information		
APP - Consent procedure	2020/0112R(APP)	Procedure completed
European Union Agency for Fundamental Rights		
Accompanying procedure 2020/0112(APP)		
Subject		
1.10 Fundamental rights in the EU, Charter		
7.30.08 Action to combat racism and xenophobia		
8.40.08 Agencies and bodies of the EU		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 MANDL Lukas	10/09/2020
		Shadow rapporteur	
		 VOLLATH Bettina	
		 PAGAZAURTUNDÚA Maite	
		 TERHEŞ Cristian	
		 DALY Clare	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Women's Rights and Gender Equality	 REGNER Evelyn	25/06/2020
	 Foreign Affairs	The committee decided not to give an opinion.	
Council of the European Union			
European Commission	Commission DG Justice and Consumers	Commissioner REYNDERS Didier	

Key events			
17/12/2020	Committee referral announced in Parliament		
16/03/2021	Vote in committee		
25/03/2021	Committee report tabled for plenary	A9-0058/2021	Summary
19/05/2021	Debate in Parliament		
20/05/2021	Decision by Parliament	T9-0258/2021	Summary

Technical information	
Procedure reference	2020/0112R(APP)
Procedure type	APP - Consent procedure
Procedure subtype	Interim report under consent procedure
Legal basis	Rules of Procedure EP 105-p5
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/04863

Documentation gateway					
Committee draft report		PE662.151	15/12/2020	EP	
Amendments tabled in committee		PE663.351	20/01/2021	EP	
Committee opinion	FEMM	PE662.079	10/02/2021	EP	
Committee report tabled for plenary, single reading		A9-0058/2021	25/03/2021	EP	Summary
Text adopted by Parliament, single reading		T9-0258/2021	20/05/2021	EP	Summary

European Union Agency for Fundamental Rights

The Committee on Civil Liberties, Justice and Home Affairs adopted the interim report by Lukas MANDL (EPP, AT) on the proposal for a Council regulation amending Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights.

The European Union Agency for Fundamental Rights has a key role in providing information, assistance and expertise on fundamental rights and in promoting and protecting fundamental rights in the European Union.

Members consider that the proposal for a Council regulation represents a step forward in making the Agency's work more effective but regret that the legal basis currently requires unanimity in the Council and Parliament's approval, which limits Parliament's involvement in the reform.

The committee responsible calls on the Council to take account of the following considerations when amending the Agency's founding regulation:

Scope of the regulation

Acts or activities of the Union or Member States relating to or within the framework of the Common Foreign and Security Policy and within the area of freedom, security and justice should be covered by the Agency's remit. In this respect, Members stressed the following points:

- the Agency's mandate should encompass the area of police and judicial cooperation in criminal matters and issues related to respect for fundamental rights at the Union's external borders, and focus on questions relating to the mutual recognition of judicial decisions and judgments between Member States;
- the Agency should play an important role in providing valuable input and contributions in the context of proceedings under Article 7 of the TEU and the annual rule of law report;
- the Agency should also contribute in the future within the context of Regulation (EU, Euratom) 2020/2092 on a general regime of conditionality for the protection of the Union budget;
- the Agency's role as an instrument for defending the principles of democracy, the rule of law and fundamental rights, especially in times characterised by worrying authoritarian tendencies.

The report encouraged the Commission and the Council to systematically incorporate the data produced by the Agency into their policymaking and commits Parliament to the same objective.

Cooperation with third countries

Members advocated broadening the scope of membership to third countries, such as European Economic Area/European Free Trade Association countries, the UK after Brexit and countries covered by the European neighbourhood policy.

Areas of activity

In addition to the fight against racism, xenophobia and related intolerance, Members emphasised the Agency's commitment to combat any form of discrimination and called on the Agency to continue to monitor developments in hate speech and hate crime and to publish regular reports on cases and trends in this area.

The operational part of the new Regulation should also cover the fight against anti-gypsyism, anti-semitism, islamophobia and racism based on skin colour and the protection of the rights of members of minorities and respect for political and other views.

Annual and multiannual programming

Members suggested discontinuing the current five-year Multiannual Framework to allow the Agency to adjust its work and thematic focus to emerging priorities. The Agency should prepare its programming in close consultation with the national liaison officers.

The draft programming document should be sent to the competent Council preparatory body and the European Parliament for discussion. The Director of the Agency would then submit the draft programming document to the Agency's Management Board for adoption.

Management Board

The Committee on Civil Liberties, Justice and Home Affairs should have the right to nominate one additional member of the Agency's Management Board. Members suggested including a requirement on gender balance in the bodies established by the Agency's founding Regulation.

Independent evaluation and review of the Agency's activities

An independent external evaluation should be carried out every five years to assess the impact, effectiveness and efficiency of the Agency's activities and achievements and its working methods. The Commission should transmit the evaluation report and recommendations to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public.

Tasks

At the request of the Council, the Commission or the Parliament, the Agency should be able to carry out independent scientific research, surveys, preparatory and feasibility studies, as well as to formulate and publish conclusions and opinions on specific thematic issues, including country-specific assessments and opinions on legislative proposals at different stages of the legislative procedure and opinions on proceedings under Article 7 of the EU Treaty.

The active role of the Agency in the future EU mechanism for democracy, rule of law and fundamental rights should be included in the Regulation.

European Union Agency for Fundamental Rights

The European Parliament adopted by 529 votes to 145, with 17 abstentions, a resolution on the proposal for a Council regulation amending Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights.

Parliament believes that the proposal for a Council regulation represents a step forward in making the work of the European Union Agency for Fundamental Rights more effective. The Agency makes an important contribution to the enforcement of fundamental rights and its role should be strengthened as a fully-fledged, independent Union agency and guardian of fundamental rights.

Reaffirming its determination to give the Agency the means to fully exercise its activities in all areas of Union competence, Parliament regretted that it had not been able to contribute more to the reform of the Agency, recalling that it would have preferred the ordinary legislative procedure. It called on the Commission, as it has done for other agencies in the field of justice and home affairs, to increase the Agency's budget sufficiently to enable it to fully carry out its mandate.

Parliament called on the Council to take account of the following considerations when amending the Agency's founding regulation.

Scope of the regulation

Acts or activities of the Union or Member States relating to or within the framework of the Common Foreign and Security Policy and within the area of freedom, security and justice should be covered by the Agency's remit. In this respect, Members stressed the following points:

- the Agency's mandate should encompass the area of police and judicial cooperation in criminal matters and issues related to respect for fundamental rights at the Union's external borders, and focus on questions relating to the mutual recognition of judicial decisions and judgments between Member States;
- the Agency should play an important role in providing valuable input and contributions in the context of proceedings under Article 7 of the TEU and the annual rule of law report;
- the Agency should also contribute in the future within the context of Regulation (EU, Euratom) 2020/2092 on a general regime of conditionality for the protection of the Union budget;
- the Agency's role as an instrument for defending the principles of democracy, the rule of law and fundamental rights, especially in times characterised by worrying authoritarian tendencies.

Parliament encouraged the Commission and the Council to systematically incorporate the data produced by the Agency into their policymaking and commits Parliament to the same objective.

Cooperation with third countries

Members advocated broadening the scope of membership to third countries, such as European Economic Area/European Free Trade Association countries, the UK after Brexit and countries covered by the European neighbourhood policy.

Areas of activity

Members warned that hate speech and various forms of racism, xenophobia and related intolerance are increasing and becoming commonplace in many Member States as a result of the rise of extremist movements, and are particularly intensifying online, especially since the start of the COVID-19 pandemic.

In addition to the fight against racism, xenophobia and intolerance, and the more general commitment to combating all forms of discrimination and hate crime, the new regulation should also cover the fight against anti-gypsyism, anti-Semitism, Islamophobia and racism based on skin colour, the protection of the rights of members of minorities and respect for political and other opinions.

Programming

Members proposed discontinuing the Commission to discontinue the current five-year multiannual framework and suggested that the draft programming document should be sent to the competent Council preparatory body and the European Parliament for discussion. Thereafter, the Agency's Director would submit the draft programming document to the Agency's Management Board for adoption.

The Committee on Civil Liberties, Justice and Home Affairs should have the right to nominate an additional member of the Agency's Management Board. Members suggested including a gender requirement in the bodies established by the Agency's founding regulation.

Independent evaluation and review of the Agency's activities

An independent external evaluation should be carried out every five years to assess the impact, effectiveness and efficiency of the Agency's activities and achievements and its working methods. The Commission should transmit the evaluation report and recommendations to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public.

Tasks

At the request of the Council, the Commission or the Parliament, or on its own initiative, the Agency should be able to carry out independent scientific research, surveys, preparatory and feasibility studies, as well as to formulate and publish conclusions and opinions on specific thematic issues, including country-specific assessments and opinions on legislative proposals at different stages of the legislative procedure and opinions on proceedings under Article 7 of the EU Treaty.

The active role of the Agency in the future EU mechanism for democracy, rule of law and fundamental rights should be included in the Regulation.