

Brussels, 30 June 2005

Questions & Answers on the European Union Agency for Fundamental Rights

What is the prospect for the proposal on the Fundamental Rights Agency to be adopted in near future?

Both the European Council and the European Parliament have asked for such a proposal: It follows the decision of the Heads of State and Government of the Member States, taken in December 2003, to extend the mandate of the European Union Monitoring Centre on Racism and Xenophobia by converting it into a Fundamental Rights Agency.

Moreover, the European Parliament called recently for the Commission to present a legislative proposal on the Fundamental Rights Agency (ref. EP Resolution adopted on 26 May 2005).

Since there is a consensus between the institutions on the necessity of the Agency, the Commission expects a quick decision on the matter. The Commission is determined to ensure close contacts between three institutions during the whole legislative procedure.

What will the Fundamental Rights Agency do?

The Agency will be entrusted with a number of precise tasks:

Tasks relating to information and data:

The Agency will collect, record, analyse and disseminate relevant objective, reliable and comparable information and data relating to fundamental rights. It will develop methods to improve the quality of data as well as identify trends and develop indicators. Moreover, it will carry out or encourage scientific research and surveys.

Tasks related to giving advice to the Union institutions and its Member States when implementing Union law:

The Agency will formulate conclusions and issue opinions for the Union and its Member States, either on its own initiative or at the request of the EP, the Council or the Commission. It will issue an annual report on the situation of fundamental rights, including the situation regarding racism and xenophobia, also highlighting examples of good practice. It may also issue theme specific reports.

Tasks relating to co-operation with civil society and awareness-raising

The Agency will network with the relevant players and promote dialogue at European level. It will organise conferences, campaigns, seminars and meetings at European level. The Agency will develop a communication strategy aimed at general awareness raising of the public and setting up documentation resources accessible to the public.

What are the legal and political powers of the Fundamental Rights Agency?

The Fundamental Rights Agency will be a Community Agency, and as such it will provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support to fully respect these rights.

The thematic areas of activity of the Agency will be defined through a Multiannual Framework to be determined by an Implementing Regulation involving the politically accountable Community institutions, thus setting the limits for the Agency's work. Within these thematic areas, the Agency will carry out its tasks in complete independence.

It is to be underlined that the Agency will neither examine individual complaints nor have regulatory decision-making powers.

What is the geographical scope of the Fundamental Rights Agency?

The Agency's work focuses clearly on the situation of fundamental rights in the Union and its Member States as well as in those Candidate Countries which have agreed to participate in the Agency. This is reflected for example in the working methods of the Agency so that the information networks, the main tool to collect and analyse data, will be primarily set up for the Member States and the participating Candidate Countries.

As regards other countries, the draft proposal allows the Commission to request information on the fundamental rights situation in a third country, including Western-Balkans and the Neighbourhood Policy countries, if the Union has concluded with the country an agreement including a so called human rights clause. This opportunity exists also when the Union has opened negotiations to conclude such an agreement. The possibility to request ad-hoc information does not mean a regular monitoring but rather specific case of gathering information on certain theme, which is relevant to the Commission policy-making.

What is the relation of the Fundamental Rights Agency to the human rights work done by the Council of Europe?

The Agency will complement the existing mechanisms of monitoring fundamental rights standards at the international, European and national level. The Regulation provides for building close institutional relationship with the Council of Europe.

The co-operation will guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure synergies, such as

- obligation for the Agency to take into account the existing information originating from the Council of Europe,
- obligation for the Agency to coordinate its activities with the Council of Europe;
- conclusion of a bilateral co-operation agreement and
- the participation of an independent person appointed by the Council of Europe to the Management Board of the Agency like in the current European Monitoring Centre on Racism and Xenophobia.

The experience with the Monitoring Centre on Racism and Xenophobia shows that fruitful cooperation between a Community Agency and the Council of Europe can be successfully achieved. The Commission is also committed to avoiding the emergence of diverging approaches as to the protection of human rights and as to the comparability of data.

Why is the Fundamental Rights Agency useful?

The Agency will address the problems with the availability, comparability and quality of data on fundamental rights across the Union. Even if there exists a valuable amount of monitoring and reporting on fundamental rights by different international and European actors, there are still problems, for instance because these reports do not cover all Member States or they cover different time periods or they do not relate to Community law. The large body of existing work requires also data management to pick up the relevant information needed for Union policy making.

The Agency will improve the coordination between the national human rights institutes. It is also hoped to encourage the Member States to create independent human rights institutes.

The Agency will build up a systematic and permanent dialogue between the EU and national and European non-governmental organisations. The bodies of the Agency include a Fundamental Rights Forum consisting of representatives of the civil society. There is also a real need for awareness-raising within the general public.

Why is it necessary to set up the Fundamental Rights Agency?

The Agency can offer many benefits to the Union and the Member States: It will be a centre of expertise on fundamental rights issues in the context of EU law, which currently does not exist.

Secondly, the Agency will make the Charter of Fundamental Rights of the European Union, as proclaimed in Nice 2000, more tangible for the Union and its citizens. The close relation to the Charter is reflected in the name of the Agency.

Thirdly, the creation of the Agency is the continuation of the policy begun with the objectives entrusted to the European Monitoring Centre on Racism and Xenophobia, which already has the task of giving the Union institutions and the Member States the means to fulfil their obligation to respect fundamental rights in drawing up and implementing Union policies in the specific area of racism and xenophobia.

With a wider mandate, the Agency will provide the Union institutions and the Member States when implementing the Community law, with assistance and expertise relating to all the rights proclaimed in the Charter, so that they can better take measures and formulate courses of action within their respective spheres of competence to fully respect fundamental rights.

Where will the Fundamental Rights Agency be located and what will be the size of its budget and staff ?

The Agency will be located in Vienna, Austria, like the current European Monitoring Centre on Racism and Xenophobia.

The current Centre has an annual budget of €8.2 million and a staff of 37. It is proposed that the Agency become operational on 1 January 2007, with a mandate that is to be extended considerably. History shows that the establishment of an Agency takes between two and three years, and it is expected that a major extension will require the same period of time. It is therefore proposed to have a growing budget for the period 2007-13 in order to take account of the inevitable transition period. Indicative financial planning is as follows: Budget 2007: €16 million; 2008: €20 million; 2009: €21 million; 2010: €23 million; 2011: €26 million; 2012: €28 million; 2013: €29 million. Total staffing of 100 is proposed.