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The need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights

Reply to Recommendation¹: Recommendation 1935 (2010)
Committee of Ministers

1. The Committee of Ministers points out that the 2007 Memorandum of Understanding between the Council of Europe and the European Union and the 2008 Agreement on co-operation between the Council of Europe and the European Union Agency for Fundamental Rights are intended to promote co-operation based on complementarity. In this respect, the Committee of Ministers has constantly emphasised that it attaches great importance to the avoidance of duplication and the promotion of synergies between the Council of Europe and the Agency, within the framework of their respective responsibilities. Consequently, it welcomes the fact that since the Agency was set up, significant progress has been made in this direction, *inter alia* thanks to the contribution of the independent person appointed by the Council of Europe to sit on the Agency's Management and Executive Boards, through increased contact and exchanges and a growing number of joint projects to protect and promote human rights. The most recent exchange of views, held on 2 November 2010, between the Ministers' Deputies' Rapporteur Group on External Relations (GR-EXT) and the Chairperson of the Management Board and the Director of the Agency provided an opportunity to review this progress in areas such as children's rights, Roma, non-discrimination, access to justice, the rights of people with disabilities, as well as teaching remembrance of the Holocaust and human rights education.

2. The Committee of Ministers considers that the good co-operation started with the Agency could certainly be taken further, with due regard for each body's responsibilities and rules of procedure, for example in the context of implementation of the Strasbourg Declaration, adopted at the High-level meeting on Roma organised by the Council of Europe on 20 October 2010, which was attended by the Director of the Agency.

3. With this in mind, the Committee of Ministers concurs with the suggestions made in the Assembly's recommendation, some of which have in fact already been implemented. For instance, the GR-EXT holds an annual exchange of views with the Chairperson of the Agency's Management Board and the Director of the Agency and another with the independent person appointed by the Council of Europe to sit on the Agency's organs. In addition, regular exchanges should take place at an appropriate level. These exchanges provide an opportunity for a detailed review of the state of co-operation with the Agency and discussion about its potential development. Co-operation could thus be further strengthened, according to modalities to be developed, particularly in order to increase synergies in both directions at the planning stage of the respective activities of the Agency and the Council of Europe.

4. Furthermore, like the Assembly, the Committee of Ministers considers that the Council of Europe's *acquis* in the area of human rights protection should continue to serve as the main point of reference in the Agency's work. It points out that the Memorandum of Understanding between the Council of Europe and the European Union emphasises the Council of Europe's role as the "benchmark for human rights, the rule of law and democracy in Europe" and stipulates that the "European Union regards the Council of Europe as the Europe-wide reference source for human rights".

1. adopted at the 1107th meeting of the Ministers' Deputies (2 March 2011)

