Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1756 (2010)[1]
Final version

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

Parliamentary Assembly

1. The Parliamentary Assembly recalls that, in its Resolution 1427 (2005) and its Recommendation 1744 (2006), it expressed its concerns about the duplication of certain Council of Europe tasks by the European Union Agency for Fundamental Rights (the Agency).

2. The Assembly notes that, even though the Agency's founding regulation and the 2008 Agreement on co-operation between the Agency and the Council of Europe, provide for some safeguards aimed at avoiding duplication of tasks, such a risk still exists in principle and concerns remain as to the risk of confusion in interpreting human rights standards in the 27 Council of Europe member states belonging also to the European Union. That is why the rapid accession of the European Union to the European Convention on Human Rights (ETS No. 5) is indispensable.

3. However, the Assembly notes that the current context is different from the one in which its previous texts were adopted: since 2007, the Agency and the Council Europe have established appropriate forms of co-operation. Both institutions use different tools in conducting their daily activities. The Agency's data collection and evidence-based analysis may complement the work undertaken by the Council of Europe, and in particular by the latter's monitoring bodies.

4. The Assembly stresses, however, that such fruitful co-operation in the future is dependent on the Council of Europe's *acquis* in the area of human rights protection at the European level being used as the main point of reference in the Agency's work.

5. The Assembly also notes that, following the entry into force of the European Union Lisbon Treaty on 1 December 2009 and the adoption by the European Union Council of the "Stockholm Programme" in December 2009, the Agency's substantive remit has been considerably expanded. The Assembly also notes with interest that the European Union has appointed a Commissioner for Justice, Fundamental Rights and Citizenship.

6. The Assembly calls upon European Union member states and institutions to take all necessary measures to avoid unnecessary duplication of tasks of the Council of Europe by the Agency, in particular by:

6.1. ensuring that, in areas in which both the Council of Europe and the Agency conduct activities such as monitoring and/or data collection, the activities of both organisations complement each other and generate added value;

6.2. applying the co-operation methods established in the relevant legal instruments concerning the functioning of the Agency and its relations with the Council of Europe, and in particular the 2008 Co-operation Agreement;

6.3. ensuring that the Council of Europe's *acquis* in the area of human rights protection is always used as the main point of reference in the Agency's work;

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1. *Assembly debate* on 5 October 2010 (31st Sitting) (see Doc. 12272, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Cilevičs). *Text adopted by the Assembly* on 5 October 2010 (31st Sitting). See also Recommendation 1935 (2010).

6.4. consulting the Council of Europe at an early stage when drafting its strategic documents such as the annual programmes and the multi-annual framework;

6.5. reflecting once again on the allocation of financial and other resources to the different European human rights protection mechanisms in order to distribute them in a way which ensures their most effective use.

7. The Assembly regrets that the funding of the Council of Europe core human rights activities is extremely low in comparison with that of the European Union Agency for Fundamental Rights.