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CONSEIL DE L'EUROPE

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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

Motion for a resolution[1]
tabled by Ms Sabine LEUTHEUSSER-SCHNARRENBERGER and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The European Union Agency for Fundamental Rights was established by the European Council on 15 February 2007. The founding regulation did not fully address many of the Assembly's concerns, as expressed in Resolution 1744 (2006), leaving a real risk that the agency would duplicate activities already undertaken by the Council of Europe.

Since then, an agreement between the European Community and the Council of Europe on co-operation between the agency and the Council of Europe has been concluded and an independent person appointed by the Council of Europe to sit on the organs of the agency (Mr Guy de Vel, former Director General for Legal Affairs, with Mr Rudolf Bindig, former member of the Parliamentary Assembly, as his alternate).

In its first year of activity alone, the agency has a budget of over €14 million and a staff of almost 50. This is foreseen to double within the next few years. On this basis, the agency will clearly have the resources to engage in an increasingly wide range of activities.

One of the Assembly's greatest concerns was that the agency should not operate outside European Union territory; in the founding regulation, it was stipulated that the agency would be limited to the European Union and its member states when implementing Community law, and only open to the participation of candidate countries as observers. Nevertheless, the agency's work programme for 2007 states that one of its operational priorities is capacity building and awareness raising in Croatia and Turkey.

The European Commission's proposed multi-annual framework for the agency has given further indications of how its activities may duplicate those of the Council of Europe. This document includes issues such as the protection of children's rights, access to justice and "human rights issues relating to the information society," which are already extensively addressed by numerous Council of Europe activities. Of more general concern is the fact that the Commission justifies some of its identified priority themes by reference not to the agency's mandate or the Union's legal competences but to the expectations of stakeholders; such an approach would give unlimited potential to expand the agency's activities.

1. . Referred to the Committee on Legal Affairs and Human Rights, for report: Reference No. 3430 (see 11th Sitting, 14 April 2008).

So as to ensure that the agency does not duplicate Council of Europe activities, therefore, the Assembly should prepare a report on the risk of duplication by the agency of the activities of the Council of Europe, taking into account the co-operation agreement, the activities of the independent person appointed by the Council of Europe, the agency's mandate, its work programme and its multi-annual framework, making appropriate recommendations.

Signed (see overleaf)

Signed[2]*:*

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2. ALDE: Alliance of Liberals and Democrats for Europe
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