

EUROPEAN PARLIAMENT

2004



2009

Session document

A6-0443/2007

14.11.2007

REPORT

on the proposal for a Council decision relating to the conclusion of an Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe
(COM(2007)0478 – C6-0311/2007 – 2007/0173(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Adamos Adamou

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	6
PROCEDURE.....	8

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision relating to the conclusion of an Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe (COM(2007)0478 – C6-0311/2007 – 2007/0173(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2007)0478),
 - having regard to Article 308 in conjunction with Article 300(2), first subparagraph of the EC Treaty,
 - having regard to Article 300(3), first subparagraph of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0311/2007),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0443/2007),
1. Approves the conclusion of the Agreement;
 2. Instructs its President to forward its position to the Council and the Commission and, for information, to the Council of Europe and the European Union Agency for Fundamental Rights.

EXPLANATORY STATEMENT

The respect and promotion of human rights constitute one of the founding principles and major objectives of the European Union which alongside the Council of Europe has developed its own legal instruments for the protection of fundamental human rights. The EU system of principles of fundamental rights protection has mainly been developed by the case law of the Court of Justice and confirmed by the express recognition within the EU Treaties. However, it is of great significance to guarantee that this system of protection of human rights is further strengthened whilst safeguarding basic principles such as non-discrimination, non-exclusion, respect of freedom of expression and religion, freedom of conscience, as well as social and economic rights. The European Fundamental Rights Agency could provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with the above-mentioned safeguards.

It is important to recognise that during the last fifty years, since its inception and establishment, it is the Council of Europe that has developed through its advanced work on the field a comprehensive system of norms, legal and judicial instruments for the protection and promotion of human rights and the rule of law and has gathered extensive experience. Therefore, the common aim of protection of fundamental rights shared by both FRA and the Council of Europe has to be achieved in a complementary and positive manner, duplication has to be avoided as well as any possibility of fragilisation and embrittlement of the well-established (judicial and not) system of human rights and individual rights protection put in place by the Council of Europe.

As regards the co-financing of mutual activities Council, FRA and Council of Europe should agree on more precise rules regarding the implementation of Article 15 of the Agreement which provides for grants to be received by the Council of Europe from the Agency, with the aim of achieving full transparency and avoiding any insinuation for excessive interdependence among the two institutions; in particular, a possible precondition could be that the relevant grants are ascribed for activities which are carried out jointly and in cooperation with the Council of Europe.;

It is also essential to implement Article 7 of the Agreement in a way which would allow the two institutions to exchange, upon the mutual consent, as much data as possible with respect to their rules of procedure, to the widest extent possible under the applicable rules on confidentiality; the respective information should not be used by institutions other than the ones directly involved in the examination of the issues at stake; they should also not be made available to institutions or agencies of third countries, in the absence of guarantees and controls regarding their use..

FRA should ensure that the EU maintains and upholds its firm commitment for respect of the fundamental rights in third countries; these are to be carried out in agreement with the works and policies of the competent international organisations such as the UN or with different international agreements by which they are covered.

The cooperation between the Commission and the Council of Europe during negotiations for

the attainment of the Agreement has proved to be beneficial; and it is in the same spirit of cooperation, transparency and complementarity that the two institutions are also expected to co-operate efficiently in the future. However, it is of immense importance that the European Parliament is involved in this process through periodic reports and that the Council of Europe is consulted for all the reviews or assessments carried out regarding the complementarity, the non-duplication and transparency of the works of the two institutions.

PROCEDURE

Title	Cooperation between the European Union Agency for Fundamental Rights and the Council of Europe		
References	COM(2007)0478 - C6-0311/2007 - 2007/0173(CNS)		
Date of consulting Parliament	21.9.2007		
Committee responsible Date announced in plenary	LIBE 27.9.2007		
Committee(s) asked for opinion(s) Date announced in plenary	AFET 27.9.2007		
Not delivering opinions Date of decision	AFET 12.9.2007		
Rapporteur(s) Date appointed	Adamos Adamou 20.3.2007		
Discussed in committee	12.9.2007	5.11.2007	12.11.2007
Date adopted	12.11.2007		
Result of final vote	+: -: 0:	36 0 0	
Members present for the final vote	Carlos Coelho, Esther De Lange, Panayiotis Demetriou, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Armando França, Kinga Gál, Patrick Gaubert, Lilli Gruber, Ewa Klamt, Magda Kósáné Kovács, Barbara Kudrycka, Stavros Lambrinidis, Henrik Lax, Roselyne Lefrançois, Claude Moraes, Javier Moreno Sánchez, Martine Roure, Luciana Sbarbati, Inger Segelström, Károly Ferenc Szabó, Søren Bo Søndergaard, Vladimir Urutchev, Ioannis Varvitsiotis, Manfred Weber, Tatjana Ždanoka		
Substitute(s) present for the final vote	Adamos Adamou, Simon Busuttil, Marco Cappato, Maria da Assunção Esteves, Ignasi Guardans Cambó, Luis Herrero-Tejedor, Sophia in 't Veld, Carlos José Iturgaiz Angulo, Metin Kazak, Eva-Britt Svensson		