EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

6.4.2005 PE 355.798v01-00

AMENDMENTS 1-110

Draft report **(PE 355.520v02-00)**
Kinga Gál
Promotion and protection of fundamental rights: the role of national and European institutions, including the Fundamental Rights Agency
(2005/2007(INI))

Motion for a resolution

Amendment by Ignasi Guardans Cambó

Amendment 1

To replace throughout the report the word "Agency" by "European Observatory of Fundamental Rights"

Or. en

Amendment by Claude Moraes

Amendment 2
Preamble, indent 5 (new)

- having regard to the decision of the Representatives of the Member States meeting within the European Council on 12-13 December 2003 in Brussels, stressing the importance of human rights data collection and analysis with a view to defining Union policy in this field, to build upon the existing European Monitoring Centre on Racism and Xenophobia and to extend its mandate to make it a Human Rights Agency,

Or. en

Amendment by Johannes Voggenhuber

Amendment 3
Preamble, indent 7 a (new)

- having regard to its resolution of 20 April 2004 on the Commission communication on Article 7 of the Treaty on European Union: Respect for and promotion of the values on which the Union is based[1],

Or. en

Amendment by Maria da Assunção Esteves

Amendment 4
Paragraph 1

1. Considers that effective protection and promotion of fundamental rights ***are*** the ***basis*** of democracy ***(deletion)*** and an essential ***condition for*** the establishment of the area of freedom, security and justice;

Or. pt

Amendment by Rosa Díez González

Amendment 5
Paragraph 1

1. Considers that effective protection and promotion of fundamental rights is the backbone of democracy in Europe and an essential precondition to the ***consolidation*** of the area of freedom, security and justice;

Or. es

[1] ***Texts Adopted, P5_TA(2004)0309.***

Amendment by Jean-Marie Cavada

Amendment 6
Paragraph 1

1. Considers that effective protection and promotion of fundamental rights is the backbone of democracy in Europe and an essential precondition to the establishment ***by the European Union*** of the area of freedom, security and justice;

Or. fr

Amendment by Maria da Assunção Esteves

Amendment 7
Paragraph 2

2. Points to the fact that the incorporation of the Charter of Fundamental Rights into the Constitutional Treaty and the EU's future accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) bring with them fundamental ***(deletion)*** changes ***to the system, widening (deletion)*** the Union's ***(deletion)*** obligation***s*** to ensure that fundamental rights are actively promoted across all policy areas;

Or. pt

Amendment by Rosa Díez González

Amendment 8
Paragraph 2

2. Points to the fact that the incorporation of the Charter of Fundamental Rights into the Constitutional Treaty and the EU's future accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) bring with them fundamental institutional and constitutional changes and substantially increase the Union's ***political and*** legal obligation to ensure that fundamental rights are actively promoted across all policy areas;

Or. es

Amendment by Maria da Assunção Esteves

Amendment 9
Paragraph 3

3. Considers that the European Union is ***establishing itself increasingly as a community of shared values and not just a market area***;

Or. pt

Amendment by Jean-Marie Cavada

Amendment 10
Paragraph 3

3. Considers that***, by placing the individual at the centre of the European integration process, the Member States have strengthened and broadened the*** elements inherent to a political community ***and have further broadened the initial objective of the European Union, which was clearly focused on the market***;

Or. fr

Amendment by Jean-Marie Cavada

Amendment 11
Paragraph 3 a (new)

3a. Considers that several Union objectives, such as those of developing the area of freedom, security and justice, combating discrimination, promoting transparency and protecting data protection, are already indissociable from the promotion of fundamental rights;

Or.fr

Amendment by Jean-Marie Cavada

Amendment 12
Paragraph 4

4. Notes that the need ***to protect the rights of the individual has become even more marked following the broadening of the competences of the Union and the development of its scope for action in the areas of judicial and police cooperation on criminal law matters, in particular in connection with the fight against terrorism; emphasises how difficult it can be for any legislator, and, in particular, the European legislator, to strike a balance between individual freedoms, on the one hand, and the establishment and enhancement of collective security, on the other;***

Or. fr

Amendment by Maria da Assunção Esteves

Amendment 13
Paragraph 4

4. ***Notes the growing need to ensure collective security, above all because of the emergence of new forms of terrorism, and calls for ongoing action to ensure a balance between the values of freedom and the values of security;***

Or. pt

Amendment by Stavros Lambrinidis

Amendment 14
Paragraph 4

4. Notes that the need ***both*** for ***fundamental rights and*** individual freedoms ***to be fully asserted and observed*** and ***for*** collective security ***to be established and enhanced*** has emerged in recent years as a priority for policy-making in the European Union, new forms of terrorism having further increased the need to find adequate ways to make ***these two objectives*** compatible;

Or. en

Amendment by Rosa Díez González

Amendment 15
Paragraph 4

4. Notes that the need for a balance to be struck between asserting individual freedoms and establishing and enhancing collective security has emerged in recent years as a priority for policy-making in the European Union, ***the response to the*** new forms of terrorism having further increased the need to strike a balance between these two objectives and ***devise*** adequate ***policies in order*** to make them compatible;

Or. es

Amendment by Maria da Assunção Esteves

Amendment 16
Paragraph 5

5. ***Considers it essential to make the values proclaimed in the founding Treaties and in the new Constitution effective;***

Or. pt

Amendment by Lapo Pistelli

Amendment 17
Paragraph 7

7. Notes that ***the European Union and the Member States are obliged to respect human rights and fundamental freedoms in their respective spheres of competence in accordance with the principle of subsidiarity, and stresses that if human rights are violated at national level, it is up to the Union to intervene, as specified in Article 7 of the Treaty on European Union;***

Or. it

Amendment by Frederika Brepoels

Amendment 18
Paragraph 7 a (new)

7a. Regards it as important, further, that due account should be taken of the principle of confidence referred to in its resolution of 20 April 2004;

Or. nl

Amendment by Giovanni Claudio Fava

Amendment 19
Paragraph 8

8. ***Regrets that in only five Member States have*** national ***(deletion)*** institutions ***(deletion) for the protection and promotion of fundamental rights*** been established ***(deletion)***, in particular with reference to the United Nations 'Paris principles'; ***calls on the other Member States to take steps to this end and to provide the national committees with adequate financial resources, bearing in mind, inter alia, that*** one of the functions of these bodies ***is*** to review governments' human rights policies to prevent shortcomings and to suggest improvements, since efficiency lies in prevention and not only in solving problems;

Or. it

Amendment by Giusto Catania

Amendment 20
Paragraph 9

9. Welcomes the signature of the Constitutional Treaty, ***insofar as it*** provides for the Court of Justice to be fully competent for the area of freedom, security and justice, the accession to the ECHR, the incorporation of the Charter of Fundamental Rights into the Treaty and more extensive use of the co-decision procedure, thereby enhancing the role of the European Parliament;

Or. it

Amendment by Sylvia-Yvonne Kaufmann

Amendment 21
Paragraph 9

9. Welcomes the signature of the Constitutional Treaty ***and stresses that the Constitution commits the European Union to accession to the ECHR and that the Charter of Fundamental Rights is an integral part of the Constitution;***

Or. de

Amendment by Jean-Marie Cavada

Amendment 22
New subheading before paragraph 10

Reorganising the legislative process

Or. fr

Amendment by Sylvia-Yvonne Kaufmann

Amendment 23
Paragraph 10

10. Considers that EU institutions ***should actively promote and protect fundamental rights in accordance with the objectives of the European Union and that this must be*** fully taken into account when drafting and adopting legislation;

Or. de

Amendment by Giusto Catania

Amendment 24
Paragraph 10

10. Considers that EU institutions should ***promote and protect (deletion)*** fundamental rights should be - two objectives of the European Union - and fully ***take them*** into account when drafting and adopting legislation;

Or. it

Amendment by Maria da Assunção Esteves

Amendment 25
Paragraph 10

10. ***Considers that the implementation of fundamental rights is a goal of all European policies and constitutes an objective shared by all the institutions;***

Or. pt

Amendment by Rosa Díez González

Amendment 26
Paragraph 10

10. Considers that EU institutions should be aware that fundamental rights should be actively promoted and protected - two objectives of the European Union - and fully ***take*** account ***of their relevance across the board*** when drafting and adopting legislation;

Or. es

Amendment by Marie-Line Reynaud

Amendment 27
Paragraph 10 a (new)

10a. Calls for any new legislative proposal to be accompanied by an impact assessment as regards respect for fundamental rights, in particular gender equality; that assessment should form part of the justification for the proposal;

Or. fr

Amendment by Jean-Marie Cavada

Amendment 28
Paragraph 10 a (new)

10a. Regrets the disagreements which have emerged between the institutions and which have been reflected, over the last three years, in an increase in the number of votes by Parliament rejecting legislative proposals or international agreements on the basis of doubts concerning respect for human rights;

Or. fr

Amendment by Jean-Marie Cavada

Amendment 29
Paragraph 10 b (new)

10b. Regards it as essential that such doubts should be dispelled when legislative proposals are drawn up, whether they are proposed by the Commission or the Member States, and that, accordingly, any new proposal should be accompanied by an impact assessment as regards respect for human rights and that such an assessment should form part of the justification for the proposal; regards as inappropriate, conversely, the practice of self-certifying, on no properly substantiated basis, the consistency of a proposal with fundamental rights;

Or. fr

Amendment by Giusto Catania

Amendment 30
Paragraph 11

Deleted

Or. it

Amendment by Sylvia-Yvonne Kaufmann

Amendment 31
Paragraph 11

11. Welcomes the fact that, at Parliament's request, President Barroso has decided to set up a Group of Commissioners on "Fundamental Rights, anti-discrimination and equal treatment"; calls on the Commission and especially the ***(deletion)*** Commissioners ***responsible for*** fundamental rights to work out a comprehensive and coherent strategy to ***ensure that*** fundamental and human rights ***are observed in all areas of Union policy;***

Or. de

Amendment by Jean-Marie Cavada

Amendment 32
Paragraph 11

11. Welcomes the fact that, ***five years after the proclamation of the Charter and the launch of an internal review of its impact on the organisation of the Commission, that body*** has decided to set up a Group of Commissioners on "Fundamental Rights, anti-discrimination and equal treatment"; calls on the Commission and especially the Group of Commissioners on Fundamental Rights to work out a comprehensive and coherent strategy to address the extent to which effect is given to fundamental and human rights and to assess their impact;

Or. fr

Amendment by Jean-Marie Cavada

Amendment 33
Paragraph 11 a (new)

11a. Points out that the Member States and the Union institutions enjoy a special right to bring actions before the Court in the interests of the law and takes the view that Parliament should, using that means, defend the rights of citizens in cases where fundamental rights might be affected by a Union act;

Or. fr

Amendment by Giusto Catania

Amendment 34
Paragraph 11 a (new)

11 a. Considers that the European Commission, in particular its President, should have the institutional right to intervene against any form of discrimination and ascertain the extent to which human and fundamental rights are respected;

Or. it

Amendment by Jean-Marie Cavada

Amendment 35
New subheading before paragraph 11

Strengthening transparency and mutual trust among the Member States

Or. fr

Amendment by Jean-Marie Cavada and Giusto Catania

Amendment 36
Paragraph 11 b (new)

11b. Regards it as politically essential to incorporate the notion of promoting fundamental rights among the objectives to be pursued in connection with the simplification and reorganisation of the Community and Union acquis; takes the view, moreover, that such a review is needed, as a matter of priority:

- ***in connection with the acquis in the sphere of competition law or the freedom to provide services when the protection of pluralism and freedom of expression is at stake,***
- ***in connection with the implementation in the Union institutions of the principle of the right to sound administration, as suggested on a number of occasions by the European Ombudsman and, recently, by the Court,***
- ***in connection with guaranteeing access to preparatory texts during the legislative process, in particular vis-à-vis Council bodies;***

Or. fr

Amendment by Jean-Marie Cavada

Amendment 37
Paragraph 11 c (new)

11c. Regrets the fact that, in connection with the implementation of Community and Union law, the Member States are becoming more and more reluctant to accept the principle of mutual recognition, claiming that the level of protection of fundamental rights is inadequate in a given Member State; draws attention, in this connection, to the case law of the Court (Gözütok case, C-187/01), and calls on both the public authorities of the States required to supply detailed information in order to justify their reluctance and the authorities of the States requesting such information to provide any clarifications necessary;

Or. fr

Amendment by Jean-Marie Cavada

Amendment 38
Paragraph 11 d (new)

11d. ***Points out, moreover, that a refusal to cooperate on grounds as serious as a failure by another Member State to respect fundamental rights could, if confirmed, justify a request to the Commission or Parliament to activate the early-warning procedure provided for in Article 7 of the EU Treaty, more in the interests of the persons concerned than of the authorities;***

Or. fr

Amendment by Jean-Marie Cavada

Amendment 39
Paragraph 11 e (new)

11e. ***Urges the Commission to take steps to guarantee all the cooperation and assistance required, even before it initiates any legal proceedings, with a view to enabling the Member States to overcome any problems they encounter in implementing Community law and Union measures; regards a special degree of transparency as essential when it comes to transposing Union measures which have a bearing on fundamental rights; in such cases, the Commission should make available to Parliament and to the national parliaments information relating to the transposition problems; this information should be drawn up as part of the annual debate on the area of freedom, security and justice; reiterates its conviction that such assistance is already required in connection with accession negotiations with candidate countries or when safeguard clauses concerning the establishment of the area of freedom, security and justice are activated;***

Or. fr

Amendment by Giusto Catania

Amendment 40
Paragraph 11 c (new)

Strengthening judicial protection at Union and Member State levels

11c. Takes the view that the Court of Justice has performed a decisive role in making the Community and the Union a 'Community' and a Union of law, in particular as a result of the fruitful dialogue between national and European judges in connection with the task of providing preliminary interpretations which the Treaties confer on the Court; acknowledges, moreover, the significant implications of recent judgments concerning respect for family life([1]), freedom of expression([2]), the protection of human dignity ([3]), the combating of discrimination([4]), data protection ([5]), the right to a fair trial ([6]) and restrictions on the right to pursue a professional activity and exercise the right of ownership where such restrictions are consistent with public interest objectives([7]);

Or. fr

Amendment by Giusto Catania

Amendment 41
Paragraph 11 d (new)

11d. Regrets the fact that limits are still placed on the competences of the Court both under the first pillar (Article 68 of the EC Treaty) and, more significantly, under the second and third pillars (Article 35 of the EU Treaty); wonders, in that connection, about respect for the principle of the rule of law in a Union which claims to be an area of rights, but one which is 'without judges'; calls on the Council to eliminate, as a matter of urgency, the restrictions provided for by Article 68 of the EC Treaty and on the 11 Member States which have still not accepted the Court's competence under the third pillar to do so as soon as possible;

Or. fr

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[1] *Judgment of 11 July 2002, Carpenter (C-60/00, ECR p. I-6279) (cf. points 45-46 and operative provisions).*
[2] *Judgment of 6 March 2001, Connolly v Commission (C-274/99 P, ECR p. I-1611) (cf. points 37-42).*
[3] *Judgment of 14 October 2004, Omega (C-36/02) (cf. points 34-35, 39-41 and operative provisions.); judgment of 9 October 2001, Netherlands v Parliament and Council (C-377/98, ECR p. I-7079) (cf. points 70-75, 77-79).*
[4] *Judgment of 9 September 2003, Rinke (C-25/02, ECR p. I-8349) (cf. points 25, 28, operative provisions point 1).*
[5] *Judgment of 20 May 2003, Österreichischer Rundfunk a.o. (C-465/00, C-138/01 and C-139/01, ECR p. I-4989) (cf. point 68).*
[6] *Order of 4 February 2000, Emesa Sugar (C-17/98, ECR p. I-665) (cf. points 8-10, 14-15, 18, 20).*
[7] *Judgment of 15 July 2004, Di Lenardo and Dilexport (C-37/02 and C-38/02) (cf. points 82-85); judgment of 11 September 2002, Pfizer Animal Health v Council (T-13/99, ECR p. II-3305) (cf. points 456-457).*

Amendment by Giusto Catania

Amendment 42
Paragraph 11 e (new)

11e. ***Congratulates the Court on the recent progress made in speeding up procedures and urges it to make more progress by considering the establishment of a specialist chamber to deal with cases relating to the area of freedom, security and justice;***

Or. fr

Amendment by Jean-Marie Cavada

Amendment 43
Paragraph 11f (new)

11f. ***Supports the proposal put forward by the European Council in the programme adopted at The Hague to strengthen dialogue between the supreme courts of the Member States, a proposal which was recently given practical form, at the instigation of those supreme courts, through the establishment of networks of courts of cassation, councils of state and higher magistrates' councils, and, very recently, by means of talks between constitutional courts; takes the view that such steps not only demonstrate the determination of the highest courts to share their experience, but also constitute the beginnings of a European public policy which finds its rationale in the shared objective of protecting fundamental rights;***

Or. fr

Amendment by Jean-Marie Cavada

Amendment 44
New subheading before paragraph 11

Spreading of the principle of the protection of fundamental rights outside the Union

Or. fr

Amendment by Jean-Marie Cavada

Amendment 45
Paragraph 11 g (new)

11g. ***Takes the view that the very universality and indivisibility of fundamental rights***

must prompt the European Union and its Member States to encourage the spread of such rights in their relations with third countries and international organisations, such as:

- the United Nations, which has embarked on a reform process which places particular emphasis on the protection of fundamental rights, a prerequisite for any policy which seeks to promote democracy; the European Union as a body should play an active part in implementing such a reform by strengthening further its external action in this area and by contributing to the drafting of a United Nations report on this matter,

- the Council of Europe, in which the Union Member States now have a pre-eminent position; for obvious reasons of transparency and consistency of political action, this special relationship should be reflected in the incorporation into agreements which already exist or are under negotiation of clauses which enable the Union as a body to be a party to those agreements, alongside or in place of its Member States, in keeping with the powers conferred on it by the European Treaties;

Or. fr

Amendment by Maria da Assunção Esteves

Amendment 46
Paragraph 14

14. Takes the view that there should be an exchange of best practice between the national governmental and non-governmental organisations regarding human rights;

Or. pt

Amendment by Rosa Díez González

Amendment 47
Paragraph 14 a (new)

14 a. Considers that the European Parliament, taking into account inter alia the reports by the Council of Europe's Human Rights Commissioner, should examine the possibility of drawing up, via its Committee on Civil Liberties, Justice and Home Affairs, an own-initiative report analysing the legislation of the Baltic States, in particular Estonia and Latvia, which discriminate against one section of the populations regards the exercise of political rights - including the right to vote and stand for election – which is a serious contravention of the Charter of Fundamental Rights, the draft European Constitution and the political foundations of the Union;

Or. es

Amendment by Rosa Díez González

Amendment 48
Paragraph 14 b (new)

14 b. Wishes to draw attention to the report drawn up in 2001 by the Council of Europe's Human Rights Commissioner on the 'continuing violations of human rights' in the Basque Country, a situation that is persisting and is an anomaly in the Unión. The non-Nationalist population is the subject of de facto discrimination as regards the exercise of their civil rights, in particular as regards voting and standing as candidates in elections on a basis of equality. For many Basque citizens this constitutional right is still only an aspiration, despite its being enshrined in the laws of the Spanish State;

Or. es

Amendment by Martine Roure and Giusto Catania

Amendment 49
Paragraph 14 a (new)

Strengthening dialogue with civil society

14a. Remains convinced that fundamental rights can be protected all the more effectively if citizens themselves are made aware of their rights, and are in a position to demand their protection, at a stage well before legal action becomes necessary, by encouraging their involvement in shaping and implementing decisions; with that aim in view, the establishment of national committees and institutes for fundamental rights can enable NGOs both to establish clearer standpoints and to target more effectively calls for action and exposures of treatments regarded as unlawful;

Or. fr

Amendment by Maria da Assunção Esteves

Amendment 50
Paragraph 15

15. Recalls the significant role of the various Council of Europe monitoring mechanisms and institutions in the human rights field; urges the EU institutions and the Agency to build on this experience, take account of these mechanisms and ***to incorporate them in a procedure for working in a network;***

Or. pt

Amendment by Rosa Díez González

Amendment 51
Paragraph 15 a (new)

***15a. Proposes the drafting of an interinstitutional code of conduct, designed to confer greater coherence and fairness on the Union's external action in the field of democratisation and human rights – a step already approved in 2002 at the suggestion of the Committee on Foreign Affairs. The Code should govern relations between the Union and the other 120 countries to which the democratic clause is currently applicable as an essential element of all kinds of agreements linking them*;**

Or. es

Amendment by Ioannis Varvitsiotis

Amendment 52
Paragraph 16

16. Believes that a functional model of cooperation should be worked out and that there should be concrete proposals in the Commission's forthcoming legislative proposal on the Agency, including ***clear definitions of the competences of the Agency and of the various other agencies (European Monitoring Centre on Racism and Xenophobia, European Institute for Equality) and*** an institutionalised link between the Council of Europe and the future Agency on Fundamental Rights, both to avoid duplication and to give the Agency all necessary input ***and to ensure its effectiveness***;

Or. el

Amendment by Jean-Marie Cavada

Amendment 53
Paragraph 16 a (new)

16a. Takes the view that, in connection with the promotion of fundamental rights, the European Union should be able to refer to an Agency whose chief purpose would be to provide all the information required to develop the Union's:

- legislative activity;

- monitoring role under Article 7 of the EU Treaty;

- role of developing policy concerning and raising awareness of fundamental rights;

Or. fr

Amendment by Jean-Marie Cavada

Amendment 54
Paragraph 16 b (new)

16b. Is convinced that the independence and credibility of the Agency is a prerequisite for proper interaction between it and the European institutions;

Or. fr

Amendment by Ioannis Varvitsiotis

Amendment 55
Paragraph 16a (new)

16a. Considers that before new organisations are set up to defend fundamental rights, there is a need to study the consolidation of existing organisations and the possibility of merging them in order to improve their operability;

Or. el

Amendment by Maria da Assunção Esteves

Amendment 56
Paragraph 17

17**.** Points out that establishing the Agency should ***make a contribution*** to further enhanc***ing*** mutual confidence between Member States ***and constitute a guarantee of continued observance of the principles set out in Articles 6 and 7 of the Treaty on European Union;***

Or. pt

Amendment by Maria Carlshamre

Amendment 57
Paragraph 17

17. Points out that establishing the Agency should help to further enhance mutual confidence between Member States***. The Agency should monitor human rights violations in the European Union;***

Or. en

Amendment by Maria Carlshamre

Amendment 58
Paragraph 17 a (new)

17a. Considers that, while the Agency's main sphere of action should be the EU, it should also cover third countries when they are involved in human rights issues affecting the Union;

Or. en

Amendment by Maria Carlshamre

Amendment 59
Paragraph 18

Deleted

Or. en

Amendment by Maria Carlshamre

Amendment 60
Paragraph 18 a (new)

18a. Considers that the Agency should operate as an umbrella organisation covering all human rights issues, so as to avoid having different structures doing the same work;

Or. en

Amendment by Maria Carlshamre

Amendment 61
Paragraph 18 b (new)

18b. Notes that women's rights are human rights; insists, therefore, that the future Gender institute should be an integral part of the Human Rights Agency, working under its own name; it is important, rational, cost-effective and consistent for the future Gender institute to be situated in the same location;

Or. en

Amendment by Maria Carlshamre

Amendment 62
Paragraph 18 c (new)

18c. Observes that abolishing the modern slave trade in an enlarged EU is a major issue, which will not be achieved simply by fighting trafficking in human beings within the European Union; the question of protecting people at risk of being trafficked into the EU should be one of the Agency's specific tasks;

Or. en

Amendment by Maria Carlshamre

Amendment 63
Paragraph 18 d (new)

18d. Observes that protecting ethnic and national minorities in an enlarged EU will be a major issue, which will not be achieved simply by fighting against xenophobia and discrimination, and points out that this complex problem must also be addressed from other angles; the question of protecting ethnic and national minorities should be one of the Agency's specific tasks;

Or. en

Amendment by Johannes Voggenhuber

Amendment 64
Paragraph 18

18. Considers that, once they have been (***deletion)***) ***created,*** bodies in charge of monitoring specific aspects of human rights policy throughout the Union (such as the

Gender Institute) in order to improve the implementation of EU policies in all these fields, (***deletion)*** should be formally connected to the Agency by their becoming part of the network of networks; urges the European Council, the Council and the Commission to follow a rational, cost-effective and consistent approach when creating new bodies to deal with fundamental rights;

Or. en

Amendment by Claude Moraes

Amendment 65
Paragraph 18 a (new)

18a. Recalls the decision by the European Council to build upon the existing EUMC and welcomes the assurance from the Commission that its current mandate to combat racism, xenophobia and anti-Semitism will remain a core component of the Fundamental Rights Agency's mandate and will not be diluted;

Or. en

Amendment by Johannes Voggenhuber

Amendment 66
Paragraph 19

19. Urges the Commission to give the Agency a strong mandate and the power to follow the development ***of the implementation of Community legislation in the Member States in full respect*** of the Charter of Fundamental Rights and human rights within the European Union and in the candidate countries with whom accession agreements have been signed;

Or. en

Amendment by Rosa Díez González

Amendment 67
Paragraph 19

19. Urges the Commission to give the Agency a strong mandate and the power to follow the development of the Charter of Fundamental Rights and human rights within the European Union and candidate countries with whom accession agreements have been signed ***and the ability to know and evaluate compliance with the interinstitutional Code of Conduct in third countries***;

Or. es

Amendment by Martine Roure

Amendment 68
Paragraph 19

19. ***Takes the view that*** 'the Agency ***must have*** a strong mandate and the power to follow the development of the Charter of Fundamental Human Rights and human rights within the European Union and candidate countries with whom accession agreements have been signed;

Or. fr

Amendment by Sylvia-Yvonne Kaufmann

Amendment 69
Paragraph 22

22. Contends that, when designing this new instrument, special attention should be paid to the three main functions that such an institution must fulfil (promoting fundamental rights, ***monitoring the observance of*** fundamental rights and raising the awareness of the key players, ***the Member States*** the EU institutions and citizens) in order to meet the strategic needs of a common area of freedom, security and justice;

Or. de

Amendment by Johannes Voggenhuber

Amendment 70
Paragraph 23 a (new)

23a. Believes that the Fundamental Rights Agency will have special standing among EU agencies and should be seen as fully independent; believes that the Agency will enjoy enhanced legitimacy if its management bodies are appointed by the European Parliament;

Or. en

Amendment by Antoine Duquesne

Amendment 71
Article 23

23. Considers that, as part of its task to promote fundamental rights, the future Agency should provide proactive support to human rights policy-making in two ways: by identifying where legislative improvements would be most welcome and by monitoring the implementation and enforcement of existing legislation; ***on no account, however, should the Agency have judicial competences;***

Or. fr

Amendment by Sarah Ludford

Amendment 72
Paragraph 24

24. Considers that the main role of the Agency should be to monitor human rights in the EU with a view to drawing up an annual report (***deletion***) on the situation as regards these rights, ***to be delivered to the European Parliament, the Council and the Commission, and accompanied by recommendations***;

Or. en

Amendment by Claude Moraes

Amendment 73
Paragraph 24

24. ***Considers that the main role of the Agency should be to monitor human rights in the EU with a view to preparing and presenting an annual report on which basis the European Parliament can draw political conclusions on the situation of human rights in the EU;***

Or. en

Amendment by Ignasi Guardans Cambó

Amendment 74
Paragraph 24

24. ***Considers that the Agency, as a part of its work to protect fundamental rights, should draw up an annual report on the situation of those rights falling within its sphere of activity, to be formally presented to the European Parliament;***

Or. en

Amendment by Johannes Voggenhuber

Amendment 75
Paragraph 24 b (new)

24b. Further believes that the Agency should answer directly and primarily to the European Parliament; this could bring added value to the work of the Agency and guarantee the legitimacy of its work;

Or. en

Amendment by Sarah Ludford

Amendment 76
Paragraph 25

25. Maintains that the Agency should be ***specifically charged with advising on the observance or breach of*** the provisions of Article 6 (***deletion***) of the TEU (***deletion) and on the initiation of the reasoned proposal procedure laid down in Article 7 TEU, with there being an obligation on the Member States and EU institutions to act accordingly or give reasons for not doing so;***

Or. en

Amendment by Lapo Pistelli

Amendment 77
Paragraph 26

26. Asserts that concrete steps should be taken by the Agency to find the best ways of making the people of the European Union ***and those present in the European Union*** aware of the fundamental rights they enjoy and create a culture of fundamental rights within the EU, which can then be successfully promoted beyond the borders of the Union as one of its basic values;

Or. en

Amendment by Lapo Pistelli

Amendment 78
Paragraph 26 a (new)

26a. Takes the view that these concrete steps should include training measures organised by the Agency for human rights operators in Europe, whether representatives of civil society or professional organisations;

Or. fr

Amendment by Lapo Pistelli

Amendment 79
Paragraph 26 a (new)

26a. Considers it appropriate that European citizens and any person in the European

Union should be entitled to report to the Agency alleged cases of violation of fundamental rights in accordance with the conditions laid down by the Agency;

Or. it

Amendment by Giusto Catania

Amendment 80
Paragraph 27

27. Is of the opinion that, in order to fulfil its three main functions, the Agency should collect data through its networks and analyse them and should be empowered to ***draw up reports addressed to*** Parliament, the Council and the Commission;

Or. it

Amendment by Sylvia-Yvonne Kaufmann

Amendment 81
Paragraph 27

27. Is of the opinion that, in order to fulfil its three main functions, the Agency should collect data through its networks and analyse them and should be empowered to deliver opinions***, on request, to Parliament, the Council and the Commission or to submit recommendations on its own initiative;***

Or. de

Amendment by Giovanni Claudio Fava

Amendment 82
Article 27

Paragraph 27

27. Is of the opinion that, in order to fulfil its three main functions, the Agency should collect data through its networks and analyse them and should be empowered to deliver opinions and make recommendations to Parliament, the Council and the Commission***, not least with a view to the conclusion of association agreements with third countries***;

Or. it

Amendment by Sarah Ludford

Amendment 83
Paragraph 27

27. Is of the opinion that, in order to fulfil its three main functions, the Agency should collect data through its networks and analyse them, ***should also carry out 'fundamental rights impact assessments' on policy, legislative proposals and programmes*** and should be empowered to deliver opinions and make recommendations to Parliament, the Council and the Commission;

Or. en

Amendment by Maria da Assunção Esteves

Amendment 84
Paragraph 28

28. Considers that the Agency's monitoring will have the added value of providing a horizontal ***(deletion)*** view of protecting and promoting fundamental rights, for which reason all the rights contained in the Charter of Fundamental Rights and the relevant provisions of the first part of the Constitutional Treaty should be covered; ***(deletion)***

Or. pt

Amendment by Giusto Catania

Amendment 85
Paragraph 28

28. Considers that the Agency's monitoring will have the added value of providing a horizontal, holistic view of protecting and promoting fundamental rights, for which reason all the rights contained in the Charter of Fundamental Rights and the relevant provisions of the first part of the Constitutional Treaty should be covered; holds ***(deletion)*** that the ***European Parliament*** should ***(deletion)*** establish ***the*** priorities ***for the Agency*** in the form of a thematic focus, ***(deletion)*** in its annual work programme;

Or. it

Amendment by Kinga Gál

Amendment 86
Paragraph 28

28. ***Considers that the Agency's monitoring will have the added value of providing a horizontal, holistic view of protecting and promoting fundamental rights, for which reason all the rights contained in the Charter of Fundamental Rights and the relevant provisions of the first part of the Constitutional Treaty should be covered; holds that the Agency's annual work programme should have a thematic focus;***

Or. en

Amendment by Maria Carlshamre

Amendment 87
Paragraph 29

29. Proposes that the Agency should be structured on the basis of various sectors dealing with the areas of concern of the Charter of fundamental Rights - as a complement to the EUMC's remit to fight against racism and xenophobia - for example, the freedom of expression, assembly and association and thought, the rights to education and liberty, solidarity and social rights, children's rights, gender equality***, violence against women, reproductive rights, trafficking in human beings,*** citizens' rights and justice, the Roma issue and minority rights; ***considers that, while the Agency's main sphere of action should be the EU, it should be possible for it to cover third countries when they are involved in human rights issues affecting the Union;***

Or. en

Amendment by Rosa Díez González

Amendment 88
Paragraph 29

29. Proposes that the Agency should be structured on the basis of various sectors dealing with the areas of concern of the Charter of Fundamental Rights - as a complement to the EUMC's remit to fight against racism and xenophobia - for example, the freedoms of expression, assembly and association and thought, ***the right to participate under equal conditions in election processes,*** the rights to education and liberty, solidarity and social rights, children's rights, gender equality, citizens' rights and justice, the Roma issue and minority rights;

Or. es

Amendment by Sylvia-Yvonne Kaufmann

Amendment 89
Paragraph 29

29. Proposes that the Agency should be structured ***in areas corresponding to the fundamental and human rights enshrined in the Charter of Fundamental Rights; where there is already a Union-wide institute covering a particular area, such as the Gender Institute in the field of gender equality, the tasks of the Agency should be performed in that area by the special institute on behalf of the Agency;***

Or. de

Amendment by Maria da Assunção Esteves

Amendment 90
Paragraph 29
deleted

Or. pt

Amendment by Ignasi Guardans Cambó

Amendment 91
Paragraph 29

Deleted

Or. en

Amendment by Lapo Pistelli

Amendment 92
Paragraph 29

29. Proposes that the Agency should be structured on the basis of various sectors dealing with the areas of concern of the Charter of Fundamental Rights - as a complement to the EUMC's remit to fight against racism and xenophobia - for example, the freedoms of expression, assembly and association and thought, the rights to education and liberty, solidarity and social rights, children's rights, gender equality, citizens' rights and justice, ***right to asylum,*** the Roma issue and minority rights;

Or. en

Amendment by Maria da Assunção Esteves

Amendment 93
Paragraph 30

deleted

Or. pt

Amendment by Maria da Assunção Esteves

Amendment 94
Paragraph 30 a (new)

30a. Considers it essential that the Agency should have the status of an independent entity, democratically answerable to the European Parliament and reporting to the competent parliamentary committees dealing with the relevant subject;

Or. pt

Amendment by Maria da Assunção Esteves

Amendment 95
Paragraph 30 a (new)

30a. Considers, with regard to the new emerging Constitution, that an annual report on activities should be submitted by the Agency to the European Parliament's Committee on Constitutional Affairs;

Or. pt

Amendment by Viktória Mohácsi

Amendment 96
Paragraph 30

30. Observes that protecting national minorities in an enlarged EU will be a major issue and that it will not be achieved simply by fighting against xenophobia and discrimination; points out that this complex problem must also be addressed from other angles, for which reason a separate department should deal with the question of national minorities; ***is convinced that the Fundamental Rights Agency should concentrate its resources on the most urgent problems affecting groups at high risk: such as the Roma, Jewish and Muslim communities, thus providing a fast and effective response to growing anti-Gypsyism, anti-Semitism and Islamophobia;***

Or. en

Amendment by Rosa Díez González

Amendment 97
Paragraph 30 a (new)

30a. The Agency should also examine whether in any Union country there is persecution for ideological reasons, as well as the legal, political and social circumstances in which such a serious violation of fundamental rights may be occurring;

Or. es

Amendment by Ignasi Guardans Cambó

Amendment 98
Paragraph 30

30. Observes that protecting national minorities in an enlarged EU will be a major issue and that it will not be achieved simply by fighting against xenophobia and discrimination; points out that this complex problem must also be addressed from other angles ***and that the question of the protection of national minorities should be one of the Agency's specific tasks;***

Or. en

Amendment by Maria da Assunção Esteves

Amendment 99
Paragraph 31

31. Considers it essential for the Agency to ***(deletion)*** have sufficient staff and budgetary resources to allow it to fulfil its ambitious mandate and a management board with high-level representatives from Member States, Supreme/Constitutional Courts, human rights bodies, EU institutions and the Council of Europe;

Or. pt

Amendment by Giovanni Claudio Fava

Amendment 100
Paragraph 31

31. Considers it essential for the Agency to be independent and to have sufficient staff and budgetary resources to allow it to fulfil its ambitious mandate and a management board with high-level representatives from Member States, Supreme/Constitutional Courts, ***(deletion) NGOs and other entities in civil society working in the field of fundamental*** rights ***(deletion)***, EU institutions and the Council of Europe;

Or. it

Amendment by Giusto Catania

Amendment 101
Paragraph 31

31. Considers it essential for the Agency to be independent and to have sufficient staff and budgetary resources to allow it to fulfil its ambitious mandate and a management board ***appointed by the European Parliament by a qualified majority and*** with high-level representatives from Member States, Supreme/Constitutional Courts, human rights bodies, ***civil society,*** EU institutions and the Council of Europe;

Or. it

Amendment by Antoine Duquesne

Amendment 102
Paragraph 31

31. Considers it essential for the Agency to be independent and to have sufficient staff and budgetary resources to allow it to fulfil its ambitious mandate and a management board with high-level representatives from Member States, Supreme/Constitutional Courts, human rights bodies ***and*** EU institutions***, who will be appointed by Parliament acting by a qualified majority with a view to guaranteeing the authority, independence and diversity of the representatives***;

Or. fr

Amendment by Sarah Ludford

Amendment 103
Paragraph 31

31. Considers it essential for the Agency to be independent and to have sufficient staff and budgetary resources to allow it to fulfil its ambitious mandate and a management board with high-level representatives from ***independent non-governmental organisations and*** human rights bodies ***(deletion)***;

Or. en

Amendment by Ignasi Guardans Cambó

Amendment 104
Paragraph 31

31. ***Considers it essential for the Agency to have special standing among EU agencies, and to be seen as fully independent and above reproach in every respect; its head should enjoy an excellent record in the field of human rights; its management board should be composed of independent experts of the highest professional repute from all Member States, who should have security of tenure; and it should have sufficient staff and budgetary resources to allow it to fulfil its ambitious mandate;***

Or. en

Amendment by Ioannis Varvitsiotis

Amendment 105
Paragraph 31a (new)

31a. Considers that the Board of Directors of the Agency should be appointed by the European Parliament and that, in choosing the members, priority should be given to former members of constitutional courts;

Or. el

Amendment by Giusto Catania, Lapo Pistelli, Martine Roure,

Amendment 106
Paragraph 32 a (new)

32a. Takes the view that most of the recommendations set out in this resolution seek to ensure that information is collected, analysed and processed with a view to assessing the impact of measures to protect human rights when the Community and the Union exercise their competences; moreover, they also seek to improve the organisation of administrative and legislative procedures and find their legal justification, in particular, in the policies which deal with measures to combat discrimination (Article 13 of the EC Treaty), freedom of movement, asylum, data protection and transparency;

Or. fr

Amendment by Lapo Pistelli and Martine Roure

Amendment 107
Paragraph 32 b (new)

32b. Takes the view, in that connection, that the very act which defines the task of collecting information may constitute the legal basis for establishing the Fundamental Rights Agency, whose task is subsidiary to that of the institutions in the areas dealt with in this resolution; accordingly, the codecision procedure involving Parliament, and with the Council acting by a qualified majority, should apply;

Or. fr

Amendment by Lapo Pistelli and Martine Roure

Amendment 108
Paragraph 32 c (new)

32c. Calls on the Commission, pursuant to Article 192 of the EC Treaty, to submit a legislative proposal on the basis of the indications given above; leaves the Commission to judge whether a measure under the third pillar, and referring to the Community measure, would be necessary, in keeping with the initiatives linked to judicial and police cooperation on criminal law matters;

Or. fr

Amendment by Ignasi Guardans Cambó

Amendment 109
Paragraph 32

Deleted

Or. en

Amendment by Ignasi Guardans Cambó

Amendment 110
Paragraph 32 a (new)

32a. Considers that the legitimacy and credibility of the Agency would be very greatly strengthened were the European Parliament to take the final decision, by qualified majority, in the appointment of the Head of the Agency, and possibly in dismissing him or her;

Or. en

Amendment by Maria Carlshamre

Amendment 111
Paragraph 34 (new)

34. Considers that the Agency, together with the future Gender institute, should be located in the building of the European Parliament in Strasbourg, France.

Or. en