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Committee on Foreign Affairs

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AMENDMENTS 8-54

Draft opinion **(PE 364.872v02-00)**
Cem Özdemir
Proposal for a Council regulation establishing a European Union Agency for Fundamental Rights

Proposal for a regulation (COM(2005)0280 – C6-0288/2005 – 2005/0124(CNS))

Text proposed by the Commission	Amendments by Parliament

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 8
Recital 2

(2) The Charter of Fundamental Rights of the European Union reaffirms the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the social charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.	(2) The Charter of Fundamental Rights of the European Union reaffirms the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, ***deriving from UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other major United Nations instruments to protect human rights,*** the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the social charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.

Or. es

Justification

It is important to stress that the international human rights instruments produced by the United Nations apply to the Community and its Member States, since this will facilitate international coherence where human rights are concerned.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 9
Recital 4

(4) A more thorough knowledge and widespread awareness of fundamental rights issues in the Union are conducive to ensuring full respect of fundamental rights. It would contribute to this objective to establish a Community agency whose tasks would be to provide information and data on fundamental rights matters. Moreover, developing effective institutions for the protection and promotion of human rights is a common value of the international ***and European communities***, as expressed by Recommendation No R (97) 14 of the Committee of Ministers of the Council of Europe of 30 September 1997.	(4) A more thorough knowledge and widespread awareness of fundamental rights issues in the Union are conducive to ensuring full respect of fundamental rights. It would contribute to this objective to establish a Community agency whose tasks would be to provide information and data on fundamental rights matters. Moreover, developing effective institutions for the protection and promotion of human rights is a common value of the international ***community, as expressed in the 1993 UN General Assembly resolution 48/134 on national institutions for the promotion and protection of human rights, and in Europe,*** as expressed by Recommendation No R (97) 14 of the Committee of Ministers of the Council of Europe of 30 September 1997.

Or. es

Justification

The principles laid down in the Charter of Paris to guarantee respect for the independence, pluralism, transparency, and legitimacy of national human rights organisations should likewise be applicable to the European Union Agency for Fundamental Rights.

Amendment by Vytautas Landsbergis
Amendment 10
Recital 10

(10) The Agency should gather objective, reliable and comparable information on the development of the situation of fundamental	(10) The Agency should gather objective, reliable and comparable information on the development of the situation of fundamental

rights, analyse this information for causes of disrespect, consequences and effects and examine examples of good practice in dealing with these matters. Networks are effective tools for active information collection and assessment.	rights ***within the EU and, when requested, its neighbourhood***, analyse this information for causes of disrespect, consequences and effects and examine examples of good practice in dealing with these matters. Networks are effective tools for active information collection and assessment.

Or. es

Justification

The Agency should not be treated as providing services in a strictly closed area of the EU only, but be able to touch also, if needed, the Wider Europe.

Amendment by André Brie

Amendment 11
Recital 12

(12) The Council ***should have the possibility of requesting the Agency´s*** technical expertise ***in the context of*** proceedings ***commenced*** under Article 7 of the Treaty on European Union.	(12) The ***Agency provides the*** Council ***with*** technical expertise ***when the Council decides to commence*** proceedings under Article 7 of the Treaty on European Union.

Or. en

Justification

The Agency should provide the Council with technical expertise when proceeding under the Article 7 of the Treaty on European Union.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 12
Recital 13

(13) The Agency should present an annual report on the situation of fundamental rights in the Union and the respect thereof by the EU institutions, bodies and agencies and the Member States when implementing Union law. Furthermore, the Agency should produce thematic reports *in* the topics of particular importance to the Union's	(13) The Agency should present an annual report on the situation of fundamental rights in the Union and the respect thereof by the EU institutions, bodies and agencies and the Member States when implementing Union law. Furthermore, the Agency should produce thematic reports *on* the topics of particular importance to the Union's

policies.	policies***, including reports on the human rights situation in third countries linked to the EU by an association agreement or by agreements containing a human rights clause, candidate countries or potential candidates for accession, and countries covered by the Union's Neighbourhood policy***.

Or. es

Justification

Reference in the preamble to strengthen the Agency's international responsibilities and reinforce the draftsman's position as set out in his Amendment 3.

Amendment by André Brie

Amendment 13
Recital 14

(14) The Agency should take measures to raise the awareness of the general public about their fundamental rights, and about possibilities and different mechanisms for enforcing them in general, ***without however dealing itself with individual complaints***.	(14) The Agency should take measures to raise the awareness of the general public about their fundamental rights, and about possibilities and different mechanisms for enforcing them in general.

Or. en

Justification

The Agency should also deal with reasonable individual complaints.

Amendment by Vytautas Landsbergis

Amendment 14
Recital 16

(16) The Agency should collaborate closely with the Council of Europe. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure synergies, such as conclusion of a bilateral cooperation	(16) The Agency should collaborate closely with the Council of Europe ***and avoid falling into a state of dependency or inter-dependency with the latter***. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating

agreement and the participation of an independent person appointed by the Council of Europe in the management structures of the Agency with appropriately defined voting rights as in the current EUMC.	mechanisms to ensure synergies, such as conclusion of a bilateral cooperation agreement and the participation of an independent person appointed by the Council of Europe in the management structures of the Agency with appropriately defined voting rights as in the current EUMC.

Or. en

Justification

Collaboration does not limit the abilities of the Agency to make its own decisions based on its own position.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 15
Recital 16

(16) The Agency should collaborate closely with the Council of Europe. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure synergies, such as conclusion of a bilateral cooperation agreement and the participation of an independent person appointed by the Council of Europe in the management structures of the Agency with appropriately defined voting rights as in the current EUMC.	(16) The Agency should collaborate closely with the Council of Europe. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure synergies, such as conclusion of a bilateral cooperation agreement and the participation of an independent person appointed by the Council of Europe in the management structures of the Agency with appropriately defined voting rights as in the current EUMC. ***The Agency should also work in close cooperation with the United Nations and its bodies responsible for human rights.***

Or. es

Justification

The Agency should work in cooperation with the United Nations in order to make for coherence and effectiveness in its human rights activities and profit from the efforts being undertaken under UN auspices to promote and protect human rights.

Amendment by Ana Maria Gomes

Amendment 16
Recital 16

(16) The Agency should collaborate closely with the Council of Europe. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure synergies, such as conclusion of a bilateral cooperation agreement and the participation of an independent person appointed by the Council of Europe in the management structures of the Agency with appropriately defined voting rights as in the current EUMC.	(16) The Agency should collaborate closely with the Council of Europe. Such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe is avoided, in particular by elaborating mechanisms to ensure synergies, such as conclusion of a bilateral cooperation agreement and the participation of an independent person appointed by the Council of Europe in the management structures of the Agency with appropriately defined voting rights as in the current EUMC. ***The Agency should likewise work in close cooperation with the United Nations and its bodies responsible for human rights and secure their involvement on an appropriate basis.***

Or. es

Amendment by André Brie

Amendment 17
Recital 18

(18) The European Parliament plays a significant role in the area of fundamental rights. It should appoint one independent person as a member of the Management Board of the Agency,	(18) The European Parliament plays a significant role in the area of fundamental rights. It should appoint one independent person as a member of the Management Board of the Agency, ***and the European Parliament should have the right to participate in the appointment of the Agency´s Director and the prolongation of his term of office.***

Or. en

Justification

The European Parliament should exercise its controlling function also towards the management of the Agency.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 18
Recital 26

(26) The Council should have the possibility of adopting a Decision pursuant to ***Title VI*** of the Treaty on European Union to empower the Agency to pursue its activities also with respect to areas covered by ***that Title***.	(26) The Council should have the possibility of adopting a Decision pursuant to ***Titles V and VI*** of the Treaty on European Union to empower the Agency to pursue its activities also with respect to areas covered by ***those Titles***.

Or. es

Justification

The Council should draw up a decision encompassing the common foreign and security policy within the remit of the Agency for Fundamental Rights, since this would ensure that the EU's human rights policy was coherent both within and beyond EU borders.

Amendment by György Schöpflin

Amendment 19
Article 2

The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights.	The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights. ***The Agency is the legal successor of the European Monitoring Centre on Racism and Xenophobia and will retain its seat in Vienna. It is, however, crucial that the Agency, being a new institution, and entrusted with a new range of tasks, should acquire its own specific methodologies, procedures and corporate culture that would place it at a palpable distance from***

	the customs of its legal predecessor. In particular, the Agency should at all times maximise its commitment to neutrality, scientific objectivity and freedom from political commitments, since otherwise its research output will run the risk of losing its credibility.

Or. en

Justification

The Fundamental Rights Agency has been given terms of reference that are directly related to the party-political neutrality of human rights normativity. The aim of this amendment is to secure that neutrality and to safeguard the Agency from the charges of political one-sidedness that have been attracted by its legal predecessor.

Amendment by Francesco Enrico Speroni

Amendment 20
Article 2

The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights.	The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the Community***,*** and ***if, and only if, they so request,*** its Member States***,*** when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights.

Or. it

Justification

The purpose of the amendment proposed is to safeguard the sovereign standard-setting powers of the individual Member States and allow the Agency to perform the important technical assistance and advisory role that should rightly fall to it.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 21
Article 3, paragraph 2

2. The Agency shall refer in carrying out its tasks to fundamental rights as defined in Article 6(2) of the Treaty on European Union and as set out in particular in the Charter of Fundamental Rights of the European Union as proclaimed in Nice on 7 December 2000.	2. The Agency shall refer in carrying out its tasks to fundamental rights as defined in Article 6(2) of the Treaty on European Union and as set out in particular in the Charter of Fundamental Rights of the European Union as proclaimed in Nice on 7 December 2000***, having due regard to existing international human rights standards, such as those set out in the UN Universal Declaration of Human Rights, the International Convenant on Civil and Political Rights, and the relevant United Nations instruments***.

Or. es

Justification

The purpose of this amendment is to ensure conformity with the basic human rights standards laid down by the United Nations.

Amendment by Yiannakis Matsis

Amendment 22
Article 3, paragraph 3

3. When pursuing its activities, the Agency shall concern itself with the situation of fundamental rights ***in*** the European Union ***and in*** its Member States when implementing Community law, without prejudice to paragraph 4 and to Articles 4(1)(e), 27 and 28.	3. When pursuing its activities, the Agency shall concern itself with the situation of fundamental rights ***and the effect on them of the activities of*** the European Union***,*** its Member States ***and the candidate States*** when implementing Community law, without prejudice to paragraph 4 and to Articles 4(1)(e), 27 and 28.

Or. en

Justification

We consider that by including the candidate states we create a constructive legal and political situation in monitoring and assisting in their harmonisation and compliance with the principles and the values, upon which the EU is founded. Within this framework, all sides should behave and act under the highest level of responsibility.

Amendment by Francesco Enrico Speroni

Amendment 23
Article 3, paragraph 3

3. When pursuing its activities, the Agency shall concern itself with the situation of fundamental rights in the European Union ***and in its Member States when implementing Community law***, without prejudice to paragraph 4 and to Articles 4(1)(e), 27 and 28.	3. When pursuing its activities, the Agency shall concern itself with the situation of fundamental rights in the European Union, without prejudice to paragraph 4 and to Articles 4(1)(e), 27 and 28.

Or. it

Justification

This amendment couches the objectives to be pursued by the Agency in more general terms and, at the formal level, aligns them more closely with the role conferred on it.

Amendment by Vittorio Agnoletto

Amendment 24
Article 3, paragraph 4

4. Without prejudice to Article 27, the Agency shall, at the request of the Commission, provide information and analysis on fundamental rights issues identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.	4. Without prejudice to Article 27, the Agency shall, at the request of the Commission, ***the Agency's Management Board, the Council of the European Union, the European Parliament, or the Fundamental Rights Forum, the last-mentioned acting by a two-thirds majority,*** provide information and analysis on fundamental rights issues identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.

Or. it

Amendment by Irena Belohorská

Amendment 25
Article 3, paragraph 4

4. Without prejudice to Article 27, the Agency shall, at the request of the Commission, provide information and analysis on fundamental rights issues identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.	4. Without prejudice to Article 27, the Agency shall, at the request of the ***European Parliament, the Council or the*** Commission, provide information and analysis on fundamental rights issues**,** identified in the request***, that may arise as a result of the accession process in candidate or potential candidate countries. As regards countries that are members of the Council of Europe, the Agency shall take due account of information and analyses available from the Council of Europe***.

Or. en

Justification

The aim of this amendment would be to strengthen the Agency's focus on its predominant purpose, namely ensuring respect for fundamental rights, whilst recognizing the important role the Agency could play in ensuring that the requirements of the accession process do not impinge on fundamental rights.

Amendment by André Brie

Amendment 26
Article 3, paragraph 4

4. Without prejudice to Article 27, the Agency shall, at request of the Commission, provide information and analysis on fundamental rights issued identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.	4. Without prejudice to Article 27, the Agency shall, at request of ***the European Parliament or*** the Commission, provide information and analysis on fundamental rights issued identified in the request as regards third countries with which the Community has concluded association agreements or agreements containing provisions on respect of human rights, or has opened or is planning to open negotiations for such agreements, in particular countries covered by the European Neighbourhood Policy.

Or. en

Justification

The European Parliament shall also have the possibility to request cooperation in the question of third countries.

Amendment by Irena Belohorská

Amendment 27
Article 4, paragraph 1, point (d)

(d) formulate conclusions and opinions on general subjects, for the Union institutions and the Member States when implementing ***Community*** law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;	(d) formulate conclusions and opinions on general ***issues of fundamental rights relating to the implementation of Community law***, for the Union institutions and the Member States when implementing ***such*** law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;

Or. en

Justification

The aim of this amendment would be to clarify the original text in such a way as to strengthen the Agency's focus on its predominant purpose, namely the impact of EU policies and activities on the fundamental rights situation in Member States.

Amendment by Francesco Enrico Speroni

Amendment 28
Article 4, paragraph 1, point (d)

(d) formulate conclusions and opinions on general subjects, for the Union institutions and the Member States when implementing Community law, ***either on its own initiative or*** at the request of the European Parliament, the Council or the Commission;	(d) formulate conclusions and opinions on general subjects, for the Union institutions and the Member States when implementing Community law, at the request of the European Parliament, the Council or the Commission;

Or. it

Justification

The amendment is intended to bring the Agency's role and responsibilities within the remit of the institutions to which it is accountable and to describe its work in rational, coherent terms.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 29
Article 4, paragraph 1, point (d)

(d) formulate ***conclusions*** and opinions on general subjects, for the Union institutions and the Member States when implementing Community law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;	(d) formulate ***recommendations*** and opinions on general subjects ***and on international agreements***, for the Union institutions and the Member States when implementing Community law, either on its own initiative or at the request of the European Parliament, the Council or the Commission;

Or. es

Justification

If the Agency is genuinely to provide added value, it has to be allowed to draw up recommendations, including on international agreements.

Amendment by André Brie

Amendment 30
Article 4, paragraph 1, point (e)

(e) make its technical expertise available to the Council, where the Council***,*** pursuant to Article 7(1) of the Treaty on European Union***, calls on independent persons to submit a report on the situation in a Member State or where it receives a proposal pursuant to Article 7(2), and where the Council, acting in accordance with the procedure set out in these respective paragraphs of Article 7 on the Treaty on European union, has requested such technical expertise from the Agency***;	(e) make its technical expertise available to the Council, where the Council ***is dealing with a proposal*** pursuant to Article 7(1) ***or Article 7(2)*** of the Treaty on European Union;

Or. en

Justification

The Agency should serve as an information source for the Council anytime when the Council acts pursuant to Article 7(1) and Article 7(2) of the Treaty on European Union .

Amendment by Francesco Enrico Speroni

Amendment 31
Article 4, paragraph 1, point (f)

(f) publish an annual report on the situation of fundamental rights***, also highlighting examples of good practice***;	(f) publish an annual report on the situation of fundamental rights;

Or. it

Justification

It is impossible to determine what selection criteria should apply to examples of good practice.

Amendment by Francesco Enrico Speroni

Amendment 32
Article 4, paragraph 1, point (g)

(g) publish thematic reports based on its analysis, research and surveys;	***deleted***

Or. it

Justification

A decision to produce a thematic report presupposes the exercise of political powers that should not lie with the Agency; the amendment proposed aims as far as possible to preserve its technical character.

Amendment by Yiannakis Matsis

Amendment 33
Article 4, paragraph 2 a (new)

	2a. The decisions and case-law of the European Court of Human Rights of the Council of Europe, and international case-law in general, shall constitute a legally binding basis for the fulfilment of the Agency's tasks.

Or. en

Justification

We consider that the reports, the conclusions, the opinions, the analysis or any other type of political and legal texts or decisions, which will be elaborated and issued by the Agency have to comply with the decisions and the jurisprudence of the European Court of Human Rights. This is a necessary procedure in order to maintain the cohesion of the international legal order. The international jurisprudence and case law are sensitive legal sectors, upon which the cohesion of the international legal order is based. At the same time, we have to co-operate closely with the European Court of Human Rights in avoiding any legal contradiction at the level of the international order. Therefore this is an amendment aiming at giving a clear and essential legal guideline in accordance with which the Agency should carry out its task in the most lawful way.

Amendment by Francesco Enrico Speroni

Amendment 34
Article 5, paragraph 1, introductory wording

1. The Commission shall adopt a Multiannual Framework for the Agency in accordance with the ***regulatory*** procedure referred to in ***Article 29(2)***. The Framework shall:	1. The Commission shall adopt a Multiannual Framework for the Agency in accordance with the procedure referred to in ***Article 252 of the EC Treaty***. The Framework shall:

Or. it

Justification

The purpose of the amendment proposed is to enable all the Union institutions and the Member States to be involved in the procedure for laying down the Agency's Multiannual Framework.

Amendment by Francesco Enrico Speroni

Amendment 35
Article 5, paragraph 1, point (b)

(b) determine the thematic areas of the Agency's activity***, always including the fight against racism and xenophobia***;	(b) determine the thematic areas of the Agency's activity;

Or. it

Justification

Protection of fundamental rights should not be bound by predetermined limits or express indications as to subject matter. The amendment proposed is intended to safeguard the latitude accorded to the Commission in specifying the Agency's areas of activity.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 36
Article 9 a (new)

Article 9a

Cooperation with the United Nations

When pursuing its activities the Agency shall take account of the appropriate United Nations bodies, including for example the Office of the High Commissioner for Human Rights, with which it may conclude cooperation agreements.

Or. es

Justification

The Agency should coordinate its activities with the appropriate United Nations bodies.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 37
Article 9 b (new)

Article 9b

Cooperation with human rights NGOs

When carrying out its activities the Agency shall allow for cooperation with human rights NGOs of recognised good repute, especially as regards the revelations and reports regularly produced by those organisations on human rights violations in the EU and third countries.

Or. es

Justification

The agency should turn the work of human rights NGOs to account by taking effective coordinated steps to that end. The involvement of human rights NGOs in the forum provided for in Article 14 falls short of synergy.

Amendment by Vytautas Landsbergis

Amendment 38
Article 9

The Agency shall coordinate its activities with those of the Council of Europe, particularly with regard to its Annual Work Programme pursuant to Article 5. To this end, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into an agreement with the Council of Europe for the purpose of establishing close cooperation between the ***latter*** and the Agency. This agreement shall include the obligation of the Council of Europe to appoint an independent person to sit on the Agency's Management Board, in accordance with Article 11.	The Agency shall coordinate its activities with those of the Council of Europe, particularly with regard to its Annual Work Programme pursuant to Article 5. To this end, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into an agreement with the Council of Europe for the purpose of establishing close cooperation between the ***Monitoring Committee of the latter's Parliamentary Assembly*** and the Agency. This agreement shall include the obligation of the Council of Europe to appoint an independent person to sit on the Agency's Management Board, in accordance with Article 11.

Or. en

Justification

As the bodies of cooperation in general are the European Parliament and the Council of Europe, the partner for the Agency should be a special partial body of the Parliamentary Assembly of the Council of Europe.

Amendment by Francesco Enrico Speroni

Amendment 39
Article 10

The Agency shall comprise: (a) a management board; (b) an executive board; (c) a director; ***(d) a forum.***	The Agency shall comprise: (a) a management board; (b) an executive board; (c) a director**.**

Or. it

Justification

To set up a forum would alter the nature of the Agency's important technical role and hence undermine it.

Amendment by Vittorio Agnoletto

Amendment 40
Article 11, paragraph 1, subparagraph 1

1. The Management Board shall be composed of persons with appropriate experience in the field of fundamental rights and the management of public sector organisations, as follows: (a) one independent person appointed by each Member State; (b) ***one*** independent ***person*** appointed by the European Parliament; (c) ***one*** independent person appointed by the Council of Europe; ***and*** (d) ***two*** representatives of the Commission***.***	1. 1. The Management Board shall be composed of persons with appropriate experience in the field of fundamental rights and the management of public sector organisations, as follows: (a) one independent person appointed by each Member State; (b) ***ten*** independent ***persons*** appointed by the European Parliament; (c) ***five*** independent ***persons*** appointed by ***the Parliamentary Assembly of*** the Council of Europe; (d) three representatives of the Commission***; and*** ***(e) two representatives appointed by the Fundamental Rights Forum.***

Or. it

Amendment by André Brie

Amendment 41
Article 11, paragraph 3

3. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a two-and-a-half year term, which may be renewed once.	3. The Management Board shall elect its Chairperson and Vice-Chairperson to serve for a two-and-a-half year term, which may be renewed once. ***The functions of the Chairperson and Vice-Chairperson may not be exercised by the representatives of the Commission.***

Or. en

Justification

The combination of functions could lead to the conflict of competences.

Amendment by Vittorio Agnoletto

Amendment 42
Article 12, paragraph 1

1. The Management Board shall be assisted by an Executive Board. The Executive Board shall be made up of ***the Chairperson and the Vice-Chairperson of*** the Management Board and two Commission representatives.	1. The Management Board shall be assisted by an Executive Board. The Executive Board shall be made up of ***three persons appointed by the*** Management Board***, from among whom the Chairperson and the Vice-Chairperson of the Executive Board shall be elected,*** and two Commission representatives.

Or. it

Amendment by André Brie

Amendment 43
Article 13, paragraph 1

1. The Agency shall be headed by a Director, appointed by the Management Board on the basis of a list of candidates proposed by the Commission. The Director shall be appointed on the basis of his or her personal merit, administrative and management skills and experience in the field of fundamental rights. Before being appointed, the candidate selected by the Management Board may be asked to make a statement before the competent committee of the European Parliament and answer questions from its members.	1. The Agency shall be headed by a Director, appointed by the Management Board on the basis of a list of candidates proposed by the Commission. The Director shall be appointed on the basis of his or her personal merit, administrative and management skills and experience in the field of fundamental rights. Before being appointed, the candidate selected by the Management Board may be asked to make a statement before the competent committee of the European Parliament and answer questions from its members. ***The European Parliament shall approve his or her appointment.***

Or. en

Justification

The position of the Director will be of great importance, the European Parliament should serve as a controlling body having power to approve the appointment.

Amendment by Ana Maria Gomes

Amendment 44
Article 13, paragraph 1

The Agency shall be headed by a Director, appointed by the Management Board on the basis of a list of candidates proposed by the Commission. The Director shall be appointed on the basis of his or her personal merit, administrative and management skills and experience in the field of Human rights. Before being appointed, the candidate selected by the Management Board may be asked to make a statement before the competent committee of the European Parliament and answer questions from its members.	The Agency shall be headed by a Director, appointed by the Management Board on the basis of a list of candidates proposed by the Commission. The Director shall be appointed on the basis of his or her personal merit, administrative and management skills and experience in the field of Human rights. Before being appointed, the candidate selected by the Management Board may be asked to make a statement before the competent committee of the European Parliament and answer questions from its members. ***The Parliament as a whole shall reject or approve the appointment of the Director.***

Or. en

Amendment by André Brie

Amendment 45
Article 13, paragraph 2

2. The Director´s term of office shall be five years. On a proposal from the Commission and after evaluation, this may be extended once for a period of no more than five years. In the evaluation, the Commission shall assess in particular the results achieved during the first term of office and the way in which they were achieved, and the Agency´s duties and requirements in the coming years.	2. The Director´s term of office shall be five years. On a proposal from the Commission and after evaluation, this may be extended once for a period of no more than five years. In the evaluation, the Commission shall assess in particular the results achieved during the first term of office and the way in which they were achieved, and the Agency´s duties and requirements in the coming years. ***The European Parliament shall approve any extension of the Director´s term of office.***

Or. en

Justification

The European Parliament should play its controlling role in the process of prolongation of the Director´s term of office.

Amendment by Ana Maria Gomes

Amendment 46
Article 13, paragraph 5

The Director may be dismissed by the Management Board before his or her term has expired, on the basis of a proposal from the Commission.	The Director may be dismissed by the Management Board before his or her term has expired, on the basis of a proposal from the Commission ***or the European Parliament.***

Or. en

Amendment by Ana Maria Gomes

Amendment 47
Article 14, paragraph 1

1. The Forum shall be composed of representatives of non-governmental organisations responsible for fundamental rights and efforts to combat racism, xenophobia and anti-Semitism, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts ***and*** European and international bodies and organisations.	1. The Forum shall be composed of representatives of non-governmental organisations responsible for fundamental rights and efforts to combat racism, xenophobia and anti-Semitism, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts***,*** European and international bodies and organisations ***and United Nations agencies***.

Or. en

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 48
Article 14, paragraph 2

2. The members of the Forum shall be selected by an open selection mechanism to	2. The members of the Forum shall be selected by an open selection mechanism to

be determined by the Management Board. ***Their maximum number shall be 100.*** Their term of office shall be five years, which may be renewed once.	be determined by the Management Board***,*** ***which must guarantee diversity of representation***. Their term of office shall be five years, which may be renewed once.

Or. es

Justification

An attempt must be made to guarantee diversity of representation in the Fundamental Rights Forum, without laying down a fixed number of members.

Amendment by Vittorio Agnoletto

Amendment 49
Article 14, paragraph 6

6. The Forum shall be chaired by the Director. It shall meet ***annually***, or at the request of the Management Board. Its operational procedures shall be specified in the Agency's internal rules and shall be made public.	6. The Forum shall be chaired by the Director. It shall meet ***at least twice a year***, or at the request of the Management Board***,*** ***or whenever a majority of its members deem it necessary***. Its operational procedures shall be specified in the Agency's internal rules and shall be made public.

Or. it

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 50
Article 14, paragraph 6

6. The Forum shall be chaired by the Director. It shall meet ***annually***, or at the request of the Management Board. Its operational procedures shall be specified in the Agency's internal rules and shall be made public.	6. The Forum shall be chaired by the Director. It shall meet ***regularly, at least twice a year***, or at the request of the Management Board. Its operational procedures shall be specified in the Agency's internal rules and shall be made public.

Or. es

Justification

An attempt must be made to involve civil society more closely in the work of the Agency; if the Forum is to be operational, it will need to meet more than just once a year.

Amendment by Francesco Enrico Speroni

Amendment 51
Article 14

1. The Forum shall be composed of representatives of non-governmental organisations responsible for fundamental rights and efforts to combat racism, xenophobia and anti-Semitism, trade unions and** employer's **organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts and European and international bodies and organisations.	***deleted***
2. The members of the Forum shall be selected by an open selection mechanism to be determined by the Management Board. Their maximum number shall be 100. Their term of office shall be five years, which may be renewed once.	
3. Members of the Management Board shall not be members of the Forum, but may attend its meetings.	
4. The Forum shall constitute a mechanism for the exchange of information in relation to fundamental rights issues and the pooling of knowledge. It shall ensure close cooperation between the Agency and relevant stakeholders.	
5. The Forum shall:	
- make suggestions for the purpose of drawing up the Annual Work Programme to be adopted under Article 11(4)(a); and	
- give feedback and suggest** follow-up **on the basis of the annual report on the situation regarding fundamental rights adopted under Article 11(4)(b).	
6. The Forum shall be chaired by the	

Director. It shall meet annually, or at the request of the Management Board. Its operational procedures shall be specified in the Agency's internal rules and shall be made public.	
7. The Agency shall provide the technical and logistic support necessary for the Forum and provide a secretariat for its meetings.	

Or. it

Justification

By doing away with the Forum, the amendment proposed aims to assign a purely technical role to the Agency and remove it from the influence of organisations that are technical only ostensibly, but in reality are largely political, since these could distort the nature of the Agency's role.

Amendment by Irena Belohorská

Amendment 52
Article 27, paragraph 1

1. The Agency shall be open to the participation of those countries which have concluded an association agreement with the Community and have been identified by the European Council as candidate countries or potential candidate countries for accession to the Union where the relevant Association Council decides on such participation.	1. The Agency shall be open to the participation ***as observers*** of those countries which have concluded an association agreement with the Community and have been identified by the European Council as candidate countries or potential candidate countries for accession to the Union where the relevant Association Council decides on such participation.

Or. en

Justification

The aim of this amendment would be introduce potential new EU Member States to the Agency and involve them in its activities prior to accession, in a way that is consistent with its predominant purpose.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 53
Article 28, title

Activities under ***Title VI*** of the Treaty on European Union	Activities under ***Titles V and VI*** of the Treaty on European Union

Or. es

Justification

The Agency should widen its field of activity to encompass the common foreign and security policy so as to make human rights policy coherent within and outside the Union.

Amendment by María Elena Valenciano Martínez-Orozco

Amendment 54
Article 28

This Regulation shall be without prejudice to the possibility for the Council, acting in accordance with ***Title VI*** of the Treaty on European Union, to empower the Agency to pursue its activities under this Regulation also with respect to the areas covered by ***Title VI*** of the Treaty on the European Union.	This Regulation shall be without prejudice to the possibility for the Council, acting in accordance with ***Titles V and VI*** of the Treaty on European Union, to empower the Agency to pursue its activities under this Regulation also with respect to the areas covered by ***Titles V and VI*** of the Treaty on the European Union.

Or. es

Justification

In keeping with the approach called for in previous amendments, the Agency should widen its field of activity to encompass the common foreign and security policy so as to make human rights policy coherent within and outside the Union.