

Dutch Government will not approve European Fundamental Rights Agency unless conditions of Dutch Senate are met

The Hague, 14 march – The Dutch Senate today adopted with an overwhelming majority (unanimously?) a motion requesting the government not to approve the regulation establishing a European Union Agency for Fundamental Rights in its current state. The motion was tabled during the March 7th –debate on the Agency. The minister for Foreign Affairs and the minister for Government Reform promised the Senate in that debate that not only they will do their utmost to change the European Commission's proposal, but more important to not give their consent to the European proposal if certain conditions - requested by the Senate – are not met.

In the debate the ministers made clear that, although they support the principle of establishing a Fundamental Rights Agency, they strive for some major changes in the proposal. In combination with the objections of the Senate to this European proposal, the conditions stipulated by the Senate and endorsed by the Dutch government for the approval of the European proposal are: the delimitation of the working field of the Fundamental Rights Agency to the EU Member States and possibly the candidate countries; strict limitation of the competences of the Agency to community law; concluding an agreement with the Council of Europe regarding its involvement and the avoidance of duplications of activities before the possible approval of the European proposal to establish the Fundamental Rights Agency and finally, the assurance that the current priorities of fighting racism and xenophobia will be respected.

Although apparently many of the objections of the Senate are met by the government, it was thus far unable to counter the most fundamental objection of the Senate. Time and again it was made clear by the Senators they are not convinced of the need and necessity of the establishment of the Fundamental Rights Agency. Also during the recent debate, the ministers could not give any clear example of any violation of fundamental rights during the European legislative process.

For more information on the debate and the adopted motion, please contact the European Office of the Dutch Senate by telephone (+31 70 3129 228) or by e-mail (hester.menninga@eerstekamer.nl).