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REPORT

on the proposal for a Council decision empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union
(COM(2005)0280 – C6-0289/2005 – 2005/0125(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Magda Kósáné Kovács

Symbols for procedures

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

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

Amendments to a legislative text

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

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union
(COM(2005)0280 – C6-0289/2005 – 2005/0125(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2005)0280)¹,
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0289/2005),
 - having regard to Rules 93 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0282/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 2 a (new)

(2a) In accordance with Article 11 of the EU Treaty, the Union shall define and implement a common foreign and security policy covering all areas of foreign and

¹ Not yet published in OJ.

*security policy, with the objective of
developing and consolidating democracy
and the rule of law and respect for human
rights and fundamental freedoms.*

EXPLANATORY STATEMENT

The effective protection and promotion of fundamental rights are the basis of democracy and the essential conditions for the consolidation of the area of freedom, security and justice by the European Union.

Providing a guarantee for the principles set out in the Article 6 and 7 of the Treaty on European Union and the Charter of Fundamental Rights and improving the current situation of human rights the European Union needs an body which is able to support the activities of the institutions and i.a. the European Ombudsman, the European Data Protection Supervisor, and the Court of Justice of the European Community.

The Fundamental Rights Agency could be a proper body providing a regular overview on the enforcement of human rights during the implementation of the European law and policies and to provide all the information required to develop the Union's legislative activity.

Therefore the Agency must have a strong mandate and a special position among EU agencies. If the Agency has the independence, it will have the credibility, as a precondition for proper interaction between it and the European institutions and the Member States. The position of the Agency should be strengthened by a clear agreement between the Council of Europe and the European Community, both to avoid duplication and to give the Agency all necessary input and to ensure its effectiveness.

The Agency also needs the extended competence provided by this Council decision to have a wider scope on the activities of the European Union. However, empowering the Agency to pursue its activity in areas of Title VI of the Treaty on the European Union is not sufficient.

Recent experiences concerning i.a. the CIA flights in Europe show that the European Union needs to have full scale support in protecting and promoting fundamental rights. Therefore it is reasonable to have all the information on fundamental rights provided by an independent body, on which the EU institutions can base their activities and develop their policies.

The scope of the Agency needs to be completed with the activities in the area of Title V (Common Foreign and Security Policy) of the Treaty on the European Union so that it can support all the relevant policies of the EU.

It will provide the legal basis enabling the Agency to collect data on third countries when the implementation of the EU policies is at stake.

Empowering the Agency to pursue its activities in areas referred to in Title V and VI of the Treaty on European Union will provide a greater transparency on these fields, which might enhance the democratic functioning of the institutions and might strengthen the trust of the citizens of the European Union.

The transparency shall make the people of the European Union aware of the fundamental rights they enjoy and improve 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.

PROCEDURE

| | | | | |
|---|---|-----------------------|-----------|-----------|
| Title | Proposal for a Council decision empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union | | | |
| References | COM(2005)0280 - C6-0289/2005 - 2005/0125(CNS) | | | |
| Date of consulting Parliament | 22.9.2005 | | | |
| Committee responsible Date announced in plenary | LIBE 29.9.2005 | | | |
| Committee(s) asked for opinion(s) Date announced in plenary | | | | |
| Not delivering opinion(s) Date of decision | | | | |
| Enhanced cooperation Date announced in plenary | | | | |
| Rapporteur(s) Date appointed | Magda Kósáné Kovács 14.9.2005 | | | |
| Previous rapporteur(s) | | | | |
| Simplified procedure – date of decision | | | | |
| Legal basis disputed Date of JURI opinion | | | | |
| Financial endowment amended Date of BUDG opinion | | | | |
| Parliament to consult European Economic and Social Committee – date decided in plenary | | | | |
| Parliament to consult Committee of the Regions – date decided in plenary | | | | |
| Discussed in committee | 4.10.2005 4.5.2006 | 24.1.2006 1.6.2006 | 22.2.2006 | 23.3.2006 |
| Date adopted | 13.9.2006 | | | |
| Result of final vote | +: 30 –: 6 0: 1 | | | |
| Members present for the final vote | Alexander Alvaro, Alfredo Antoniozzi, Mihael Brejc, Michael Cashman, Charlotte Cederschiöld, Carlos Coelho, Fausto Correia, Panayiotis Demetriou, Agustín Díaz de Mera García Consuegra, Kinga Gál, Patrick Gaubert, Lilli Gruber, Timothy Kirkhope, Ewa Klant, Magda Kósáné Kovács, Wolfgang Kreissl-Dörfler, Barbara Kudrycka, Stavros Lambrinidis, Henrik Lax, Sarah Ludford, Jaime Mayor Oreja, Claude Moraes, Lapo Pistelli, Martine Roure, Ioannis Varvitsiotis, Stefano Zappalà, Tatjana Ždanoka | | | |
| Substitute(s) present for the final vote | Marco Cappato, Bárbara Dührkop Dührkop, Maria da Assunção Esteves, Anne Ferreira, Ignasi Guardans Cambó, Sophia in 't Veld, Hubert Pirker, Antonio Tajani, Kyriacos Triantaphyllides, | | | |
| Substitute(s) under Rule 178(2) present for the final vote | Thomas Wise | | | |
| Date tabled | 18.9.2006 | | | |

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| Comments (available in one language only) | ... |
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