

Duties and requirements of the EU Fundamental Rights Agency in the coming years

Legal framework

On 1 March 2007, by virtue of Council Regulation No 168/2007¹ (hereinafter "the Regulation"), the European Union Agency for Fundamental Rights (hereinafter "the Agency") was created. The objective of the Agency is to provide the relevant Union institutions and authorities of the Member States when implementing Union 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 the fundamental rights.

To meet this objective, the Agency shall:

- a) collect, record, analyse and disseminate relevant, objective, reliable and comparable information and data, including results from research and monitoring communicated to it by Member States, Union institutions as well as bodies, offices and agencies of the Community and the Union, research centres, national bodies, non-governmental organisations, third countries and international organisations and in particular by the competent bodies of the Council of Europe;
- b) develop methods and standards to improve the comparability, objectivity and reliability of data at European level, in cooperation with the Commission and the Member States;
- c) carry out, cooperate with or encourage scientific research and surveys, preparatory studies and feasibility studies, including, where appropriate and compatible with its priorities and its annual work programme, at the request of the European Parliament, the Council or the Commission;
- d) formulate and publish conclusions and opinions on specific thematic topics, 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;
- e) publish an annual report on fundamental-rights issues covered by the areas of the Agency's activity, also highlighting examples of good practice;
- f) publish thematic reports based on its analysis, research and surveys;
- g) publish an annual report on its activities; and
- h) develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights and actively disseminate information about its work.

The thematic areas of activity of the Agency are determined by the Council in a five-year Multiannual framework, which must include the fight against racism, xenophobia and related intolerance, and be in line with the Union's priorities, taking due account of the orientations resulting from the European Parliament resolutions and Council conclusions in the field of fundamental rights.

¹ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, JO L 53 of 22.2.2007, p.1

The new MAF (2013 – 2017) for the Agency was adopted on 11 March 2013². It takes due regard to the Agency's financial resources and human resources and includes provisions with a view to ensuring complementarity with the remit of other Union bodies, offices and agencies³. The MAF identifies the following thematic areas:

- a) access to justice;
- b) victims of crime, including compensation to crime victims;
- c) information society and, in particular, respect for private life and protection of personal data;
- d) Roma integration;
- e) judicial cooperation, except in criminal matters;
- f) rights of the child;
- g) discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
- h) immigration and integration of migrants, visa and border control and asylum;
- i) racism, xenophobia and related intolerance

Budgetary constraints

In accordance with the Budget Circular for 2014, the Agency is classified as 'a cruising speed agency'. Accordingly, any expansion of tasks will have to be accomplished within existing resources. Under current budgetary constraints and taking into account the objective to reduce EU staff by 5%, any increase in workload or growth of existing tasks can only be managed by reprioritisation and redeployment of existing resources.

The work of the Agency will be impacted by the next Multiannual Financial Framework (2014-2020). The European Council found an agreement on 8 February 2013, which has been submitted for the consent of the European Parliament.

Evaluation of the Agency

The Agency commissioned an independent external evaluation of its achievements during the first five years of operation as required by its Regulation (Article 30). The contractor

² Council Decision establishing a Multiannual Framework for 2013-2017 for the European Union Agency for Fundamental Rights, adopted on 11 March. Available at: <http://register.consilium.europa.eu/pdf/en/12/st10/st10449.en12.pdf>

³ The most relevant Union agencies and bodies in relation to the Multiannual Framework of the Agency are: the European Asylum Support Office (EASO), the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), the European Migration Network, the European Institute for Gender Equality (EIGE), the European Data Protection Supervisor (EDPS), Eurojust, the European Police Office (Europol) the European Police College (CEPOL), the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (IT Agency) and the European Foundation for the improvement of living and working conditions (EUROFOUND).

(*Ramboll*) submitted its final report to the Agency on 19 November 2012 and presented it to the Management Board of the Agency on 13-14 December 2012. During its meeting on 21-22 February, the Executive Board of the Agency decided to establish a working group to draft recommendations as may be necessary regarding changes in the Agency, its working practices and the scope of its mission, in view of their adoption by the Management Board at its meeting on 22-24 May 2013.

In accordance with the founding Regulation of the Agency (Article 31), the Commission shall transmit the evaluation report and recommendations to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and make them public. After having assessed the evaluation report and recommendations, the Commission may submit any proposals for amendments to this Regulation which it considers necessary.

Conclusion

The Commission proposes to extend for three years the mandate of the current Director of the Agency, Morten Kjaerum. He has received a positive career development report for the period June 2008 – December 2011. By pursuing his work as a Director of the Agency he will significantly contribute to ensuring that the Agency continues to perform its tasks to a high standard, while further strengthening its operation in areas where improvements are needed. This will be all the more important considering that the duties and requirements of the EU Fundamental Rights Agency will be marked by a changing environment due to the entry into force of the new Multi-annual framework (2013 – 2017) of the Agency, the tight budgetary context as established in the 2014-2020 Multiannual financial framework, and the on-going discussion regarding changes in the Agency, its working practices and the scope of its mission.