



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 December 2012**

**17348/12**

**FREMP 151  
JAI 882  
COSCE 31  
COHOM 267**

**"I/A" NOTE**

---

from:	Presidency
to:	Coreper / Council
No. prev. doc.:	17255/12 FREMP 147 JAI 870 COSCE 30 COHOM 263
Subject:	Council conclusions on a request to the European Union Agency for Fundamental Rights in accordance with Article 4 (1) c) and d) of the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights - Adoption

---

1. On 15 December 2011 the Commission presented to the Council the proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017. After examination by the preparatory bodies of the Council, the text was submitted to the JHA Council on 7-8 June 2012.<sup>1</sup> The Council endorsed the text and decided to transmit it to the European Parliament for consent.
2. The LIBE Committee of the European Parliament has examined the proposal and, on 8 November 2012, has adopted a recommendation for the plenary to give its consent to the Decision. The Plenary is scheduled to vote on 13 December 2012.

---

<sup>1</sup> See doc. 10615/12 FREMP 83 JAI 375 COSCE 18 COHOM 123.

3. However, in view of the outstanding parliamentary reservation of one Member State it will not be possible for the Council to proceed to the final adoption of the act before the end of the year.
4. In order to allow the Agency to carry on its work while waiting for the adoption of the new MAF, the Presidency has proposed the adoption by the Council of conclusions according to which the Council will address a request to the Agency under Article 4 (1), lett. c) and d), of Regulation (EC) No 168/2007 establishing the Agency . This request would make a cross-reference to the annual work programme of 2013 adopted by the Agency on the basis of the existing MAF.
5. This approach was broadly supported by delegations at the meeting of the JHA Council on 6-7 December 2012. Following the JHA Council the draft conclusions were examined in detail by the Working Party on fundamental rights, citizens' rights and free movement of persons (FREMP) at its meeting on 10 December 2012. The proposed text, set out in Annex I to this note, was unanimously supported by delegations. It was also agreed that a declaration, set out in Annex II to this note, should be inserted in the minutes of the Council at the moment of adoption of the conclusions.
6. **In light of the above, Coreper is invited to agree on the text of the draft conclusions, and to invite the Council to adopt them as set out in the Annex I. Coreper is also invited to agree on the draft declaration in Annex II and to invite the Council to include it in its minutes at the moment of adoption of the conclusions.**

---

**COUNCIL CONCLUSIONS**

**of 20-21 December 2012**

**on a request to the European Union Agency for Fundamental Rights in accordance with  
Article 4 (1) c) and d) of Council Regulation (EC) No 168/2007 of 15 February 2007  
establishing a European Union Agency for Fundamental Rights**

The Council has examined a proposal by the Commission for a Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017.

The Council notes that, in consideration of outstanding parliamentary reservations of Member States, it will not be in a position to adopt the draft Decision on the new multiannual framework (MAF) by the end of 2012. As a consequence, as of 1 January 2013 and until the conclusion of the procedure for the adoption of the 2013-2017 MAF there will be no act defining the areas of activity of the European Union Fundamental Rights Agency ("the Agency").

The Council considers that one of the fundamental aspects of the work of the Agency is to provide advice relating to the respect of fundamental rights in the domain of Union law, and that this requires that the activities of the Agency should not suffer interruption.

The Council takes note of the adoption by the Agency of an annual work programme for 2013 ("the work programme")<sup>2</sup>, based on the 2008-2012 MAF. The Council recognizes the importance of the priorities and projects set out in the work programme and their coherence with the current mandate of the Agency on the basis of the 2008-2012 MAF.

In order to ensure the seamless continuation of the activities of the Agency in the year 2013 and until the adoption of the new MAF, the Council considers it essential that the Agency be requested to implement the work programme.

---

<sup>2</sup> [http://fra.europa.eu/sites/default/files/fra\\_uploads/2234-FRA\\_AWP2013\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/2234-FRA_AWP2013_EN.pdf)

Article 4 (1), letters c) and d), of Regulation (EC) No 168/2007 ( “the Regulation”) provide that the Agency shall, at the request of of the European Parliament, the Council or the Commission, carry out, cooperate with or encourage scientific research and surveys, preparatory studies and feasibility studies; or formulate and publish conclusions and opinions on specific thematic topics, for the Union institutions and the Member States when implementing Community law.

**In consideration of the above, the Council mandates the Presidency to submit on behalf of the Council a request to the Agency, in accordance with Article 4 (1), letters c) and d), of the Regulation, to carry out the research and study activities and projects set out in the work programme, until such time when the adoption of the 2013-2017 MAF may require a revision of the work programme.**

---

**Declaration**

**to be inserted in the minutes of the Council at the moment of adoption of the**

**COUNCIL CONCLUSIONS**

**of 20-21 December 2012**

**on a request to the European Union Agency for Fundamental Rights in accordance with  
Article 4 (1) c) and d) of Council Regulation (EC) No 168/2007 of 15 February 2007  
establishing a European Union Agency for Fundamental Rights**

*In relation to the adoption of the conclusions on a request to the European Union Agency for Fundamental Rights in accordance with Article 4 (1) c) and d) of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, the Council notes that these are without prejudice to the exercise of ordinary budgetary procedures in relation to the functioning of the Agency.*

---