



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 January 2012

5658/12

**FREMP 5
CODEC 183**

OUTCOME OF PROCEEDINGS

from : Working Party on Fundamental Rights, Citizens' Rights and Free Movement
(FREMP)
on : 20 January 2012
Subject : Summary of discussions

1. Introduction

The agenda is set out in CM 6027/11.

**2. Proposal for a Council Decision establishing a Multiannual Framework for the
European Union Agency for Fundamental Rights for 2013-2017**

18645/11 FREMP 115 JAI 954 COSCE 23 COHOM 299

The Commission representative presented the proposal for a Council decision establishing a Multiannual Framework (MAF) for the European Union Agency for Fundamental Rights (FRA) for 2013-2017 that set out the thematic priorities for FRA on a multi-annual basis. He explained the background, legal basis and the substance of the proposal. In his view, it was important to separate the discussions on MAF from those on the reform of the FRA that is a longer term process to be launched this year.

FREMP discussed difficulties relating to the legal basis of the proposal.

Many delegations entered scrutiny reservations and parliamentary reservations.

Some delegations considered that it was not possible to change the scope of FRA thematic priorities without changing the founding Regulation (Reg 168/2007).

A number of delegations expressed their support for the Commission proposal, emphasising that the current MAF expired at the end of 2012 and that continuity was needed as regards the activities of FRA.

Several delegations expressed doubts about the exclusion of gender discrimination. Reference to the need to avoid overlap with the work of the European Institute for Gender Equality did not convince these delegations. In their view, the overlaps were covered by Article 7 of the founding Regulation and recital 6 of the proposal. The Commission representative explained that it was not practical to have two different bodies dealing with the same topic and that FRA could still include gender considerations in its reports.

Another delegation supported the inclusion of social fundamental rights within the scope of activities of FRA. The representative of the Commission explained that social rights were included via thematic areas such as integration of migrants, rights of Roma and children's rights.

One delegations suggested adding "common and efficient standards of the rule of law" to access to justice in Article 2(a).

The question - whether the exclusion of ex-third pillar issues from the scope of activities was due to legal constraints at the time of the adoption of the previous MAF or an express political will - was debated. The positions of delegations diverged on this.

Two delegations pointed out that the use of Article 352 as the legal basis triggered lengthy national procedures in their Member States.

The Presidency invited the Legal Service of the Council to prepare a written opinion on the legal concerns raised and concluded that FREMP would proceed to a detailed examination of the proposal at its next meeting in February 2012.

3. Proposal for a Decision of the European Parliament and of the Council on the European Year of Citizens (2013)

18879/11 FREMP 118 POLGEN 234 FIN 1091 CULT 122 CODEC 2503

The Presidency reminded delegations that the silent procedure launched in December 2011 did not purport many comments on the substance, apart from a modification of a recital. In the meantime the Presidency informally met the EP rapporteur, Ms. Papadopoulou. It is expected that the EP will propose many substantial amendments, including an extension of the scope. From the EP side, five parliamentary committees (EMPL, CULT, AFCO, PETI and LIBE) are involved and the rapporteur has indicated that the draft report could be submitted to LIBE on 9 February 2012. FREMP would revert to the matter once the EP draft report is available.

One delegation reiterated its concerns as regards the social consequences of intra-EU migration. In that respect the duties related to EU citizenship were important and when implementing the European Year of Citizens in 2013, the practical aspects of citizenship should be at the forefront in the view of that delegation.

Another delegation suggested amending Article 3 as regards town twinning and Article 2 to add content on raising awareness of citizens in participating in local elections.

One delegation considered that the scope should not be widened and the allocated funding should be used in a focussed manner.

It was agreed to revert to these comments of delegations once the EP report was available.

4. Other business

a) Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship Program

17273/11 JAI 848 CADREFIN 143 FREMP 105 DATAPROTECT 133 CULT 108
SOC 1020 CODEC 2125

The Presidency informed the delegations that this program would be dealt with in the *ad hoc* group on JHA financial instruments, mandated by Coreper on 10 January 2012.¹ The first meeting would be held on 8 February 2012. The Presidency would report to FREMP as work progressed.

b) Proposal for a Council Regulation establishing for the period 2014-2020 the programme "Europe for Citizens"

18719/11 CULT 119 FREMP 117 JAI 959 EDUC 296 SOC 1119 CADREFIN 212

The Presidency informed the delegations that this program would be examined in the Cultural Affairs Committee. The Presidency would report to FREMP as work progressed.

¹ 5211/12 EXT 1 CRS/CRP 1