



EUROPEAN COMMISSION

*Brussels, 30.11.2016
C(2016) 7656 final*

*Mr Pietro GRASSO
President of the Senato della Repubblica
Piazza Madama, 1
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Dear President,

The Commission would like to thank the Senato della Repubblica for its favourable Opinion on the Commission's proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2018-2022 {COM(2016) 442 final}.

The Commission's proposal establishing the thematic priorities for the work of the EU Agency for Fundamental Rights (the "Agency") for the years 2018-2022 broadly confirms the relevance for the next five year period of the thematic areas laid down for the Agency for 2013-2017. Confirming current themes will ensure continuity and consistency in the Agency's work. It will also enable the Agency to enhance the reliability, objectivity, relevance and comparability of the data collected and to be collected in these areas.

The Commission is pleased that the Senato della Repubblica shares the view that the Agency should be able to work in the areas of police cooperation and judicial cooperation in criminal matters. Indeed, since the entry into force of the Lisbon Treaty, judicial cooperation in criminal matters is part of the body of EU law and important EU initiatives have been taken in this area such as for example the creation of a European Prosecutors Office¹ and common standards for the protection of the rights of suspects and accused persons in criminal procedures². The European Council in its Conclusions of 27 June 2014 defining

¹ Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office, COM(2013) 534 final.

² Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, p. 1; Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, OJ L 294, 6.11.2013, p. 1; Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, OJ L 65, 11.3.2016, p. 1; Directive/2016/800/EU of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children involved in criminal proceedings, OJ L 132, 21.5.2016, p.1; Commission proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or

strategic guidelines for the area of freedom, security and justice underlined amongst other things the need to continue efforts to strengthen the rights of suspects and accused persons in criminal proceedings. A call was made to mobilise the expertise of the Agency in this context. The Agency's has already been working in these areas on the basis of ad hoc requests (e.g. on children in criminal proceedings³, transfer of prisoners⁴, right to interpretation, translation and information in criminal proceedings⁵).

This also applies to police cooperation. The importance of strengthening police cooperation was already underlined by the European Council in its conclusions of 27 June 2014 and made all the more clear following the terrorist attacks that struck EU Member States. The fundamental rights dimension is crucial in this respect. This was highlighted by the Commission in its Communication on a European Agenda on Security⁶. Also in this domain the Agency provided valuable support on the basis of ad hoc requests from Commission services. For example, it developed "Twelve operational fundamental rights considerations for law enforcement when processing Passenger Name Record (PNR) data" in the context of assisting Member States in developing the appropriate fundamental rights standards when processing PNR data.

The inclusion of these themes in the new Multiannual Framework of the Agency however remains the main difficulty in the negotiations in the Council. Discussions have not yet come to a closure. It is to be noted that the European Parliament is to give its consent prior to the Council's Decision.

The Commission also welcomes the Senato della Repubblica's support for the strengthening of social inclusion aspects. This was a specific request by the Agency's Management Board and it also came out strongly from consultations with civil society. Social inclusion, especially of minorities such as Roma, deserves a strengthened focus in light of the importance of the fight against poverty and social exclusion which is one of the EU's five targets in the Europe 2020 growth strategy. The Commission takes note of the Senato della Repubblica's suggestion to include employment related rights in the Agency's 2018-2022 Multiannual Framework. This would however duplicate the work of Eurofund, the European Foundation for the Improvement of Living and Working Conditions⁷, whose role is to provide knowledge in the area of social and work-related policies.

The Commission concurs with the Senato della Repubblica on the need to progress on access to justice and victims of crime. The Agency recently published a Handbook on Access to

accused persons deprived of liberty and legal aid in European arrest warrant proceedings, COM(2013) 824 final.

³ <http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens>.

⁴ <http://fra.europa.eu/en/project/2015/rehabilitation-and-mutual-recognition-practice-concerning-eu-law-transfer-persons>.

⁵ <http://fra.europa.eu/en/project/2015/right-interpretation-and-translation-and-right-information-criminal-proceedings-eu>.

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Agenda on Security, COM(2015) 185 final.

⁷ <https://www.eurofound.europa.eu/>.

Justice⁸ and produced reports and an online mapping tool on victims' rights and support in the EU⁹. In the area of migration which the standing Committees underline as an important area for further work for the Agency, the Commission would like to highlight that the Agency is producing regular reports¹⁰, is assisting EU Agencies such as Frontex and the European Asylum support Office (EASO) and is also providing support to the Commission's Structural Reform Support Service (SRSS) office in Greece and its Migration Support Team in Italy. The Agency focusses its work mainly on training and on practical expert advice, including on child protection.

As suggested by the Senato della Repubblica, the Agency will also be assisting Member States in developing a common methodology to record and collect data on hate crimes by coordinating the work of a sub-group of the High Level Group on combating racism, xenophobia and other forms of intolerance chaired by the Commission. The sub-group, initially established for a two years period, met for the first time on 18 and 19 October in Vienna. The Commission is pleased to note that almost all the Member States, including Italy, actively took part in the discussions. The urgency for Member States to improve recording and data collection of hate crimes, with the support of the Agency, was a specific outcome of the Commission's 2015 Colloquium on "fostering tolerance and respect: combatting Antisemitism and anti-Muslim hatred". It was also reflected in the conclusions on the application of the Charter of Fundamental Rights issued by the Council in June 2016.

This year's Colloquium in Brussels on 17 and 18 November 2016 was devoted to "Media pluralism and democracy" which is another area the Senato della Repubblica highlights as being of central importance.

The Commission has taken due note of the views expressed by the Senato della Repubblica that the Agency in addition to gathering, analysing and disseminating data and information, should also be allowed to monitor the respect of fundamental rights in every Member State. This is however not in the Agency's current mandate as defined by its founding Regulation.

The Commission equally takes due note of the Senato della Repubblica's general remark on the need to pay attention to EU Agencies' administrative expenditures and to their added value. This is one of the core objectives of the 2012 Joint Statement and Common Approach of the European Parliament, the Council of the EU and the European Commission on decentralised Agencies and the Commission guidelines for programming documents for decentralised agencies¹¹. As for the EU Agency for Fundamental Rights more particularly, its annual work programmes are closely analysed by the Agency's management Board which adopts them after having received the Commission's opinion. Furthermore, attention is drawn to the Commission Communication of July 2013 on the programming of human and

⁸ <http://fra.europa.eu/en/publication/2016/handbook-european-law-relating-access-justice>.

⁹ <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>.

¹⁰ <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews>.

¹¹ Communication from the Commission on the guidelines for programming document for decentralised agencies and the template for the Consolidated Annual Activity Report for decentralised agencies, C(2014) 9641 final. Common approach: https://europa.eu/european-union/sites/europa.eu/files/docs/body/joint_statement_and_common_approach_2012_en.pdf.

financial resources for decentralised agencies 2014-2020 which for the EU Agency for Fundamental Rights envisages a 10% reduction of establishment plan post by 2018. It is to be noted also that an external evaluation of the Agency will be carried out in 2017.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senato della Repubblica and looks forward to continuing the political dialogue in the future.

Yours faithfully,

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First Vice-President*

*Věra Jourová
Member of the Commission*