



EUROPEAN COMMISSION

Brussels, 24 OCT. 2011
C/2011/7619

Dear President,

The European Commission would like to thank you for transmitting the Opinion of the Czech Chamber of Deputies on the Commission Proposal {COM (2010) 708} for a Council Decision amending Decision (2008/203/EC) of 28 February 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012.

It has taken note of the position expressed therein and would like to provide the following reply to the key issues raised.

A change of mandate of the Fundamental Rights Agency would only be possible through a modification of Council Regulation 168/2007. However, the Commission Proposal to amend the Agency's Multi-annual Framework was not intended to change the mandate, but to reflect the disappearance of the three-pillar structure following the entry into force of the Lisbon Treaty. Council Regulation 168/2007 should now be read as enabling the Agency to carry out its tasks within the scope of EU law, which now includes judicial cooperation in criminal matters and police cooperation.

The Commission Proposal was based on Article 352 of the Treaty on the Functioning of the European Union since the use of Article 5(1) of Council Regulation 168/2007 was precluded by the ruling of the ECJ in case C-133/06 prohibiting the use of secondary legal bases. In the absence of a more specific legal basis, the amendment of the Multi-annual Framework of the Agency can only be achieved using the legal base of the Agency's founding Regulation.

I hope that these explanations address the concerns raised in your opinion and I am looking forward to continuing the political dialogue with your Chamber on this and other issues.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

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