



EUROPEAN COMMISSION

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C(2016) 8230 final*

*Mr Eduardo FERRO RODRIGUES
President of the Assembleia
da República
Palácio de S. Bento
P – 1249-068 LISBOA*

Dear President,

The Commission would like to thank the Assembleia da República for its 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 particularly pleased that the Assembleia da República is favourable to the inclusion of the areas of police cooperation and judicial cooperation in criminal matters in the Agency's Multiannual Framework. Indeed, since the entry into force of the Lisbon Treaty, judicial cooperation in criminal matters is part of the body of EU law. Important EU initiatives have been taken in this area including a proposal for the creation of a European Prosecutor's Office¹ and common standards for the protection of the rights of suspects and accused persons in criminal procedures².

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

The European Council in its Conclusions of 27 June 2014 defining 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 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).

The importance of strengthening police cooperation was also underlined by the European Council in its conclusions of 27 June 2014 and made all the more clear following the terrorist attacks that struck a number of 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 Commission would like to thank the Assembleia da República for its favourable Opinion and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*

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.