



EUROPEAN COMMISSION

Brussels, 26.8.2020

C(2020) 5852 final

*Mr Robert-Marius CAZANCIUC
Interim President of the Senat
Calea 13 Septembrie nr. 1-3, sector 5,
RO – 050711 BUCHAREST*

Dear President,

The Commission would like to thank the Senat for its opinion on the Proposal for a Council Regulation amending Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights {COM(2020) 225 final} (hereinafter 'the proposal').

The purpose of this proposal is two-fold. First, it aims to clarify that, since the entry into force of the Lisbon Treaty, the remit of the Agency is Union law (as the Agency's founding Regulation is pre-Lisbon, it logically refers to "Community law"). Second, it seeks to align certain provisions of the Agency's founding Regulation with the Common Approach annexed to the Joint Statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies of 19 July 2012¹ (hereinafter the "Common Approach") for better governance and increased efficiency of agencies.

The Common Approach embodies a strong political commitment from the European Parliament, the Council and the Commission to streamline the provisions in agencies' founding acts² in order to achieve a harmonised and efficient modus operandi of all the European Union decentralised agencies.

Under the 2012 Common Approach, decentralised agencies' programming activities and resources are forecasted in annual and multiannual work programmes. Before they are adopted by the Agency's Management Board, these documents are submitted for

¹ https://europa.eu/european-union/sites/europaeu/files/docs/body/joint_statement_and_common_approach_2012_en.pdf

² See point 2 of the Common Approach.

consultation to the Council, the European Parliament and the Commission³. To ensure respect of the agencies' independence, however, the Common Approach underlines that the outcome of the consultation is not binding on the Agencies.

The European Union Agency for Fundamental Rights has been adopting annual and multiannual work programmes since 2017, also in compliance with the Framework Financial Regulations for Agencies⁴, thereby making redundant the Multiannual Framework (the decision adopted by the Council every five years to frame the thematic areas of work of the Agency).

The deletion of the Multiannual Framework in the proposed amending Regulation would bring the European Union Agency for Fundamental Rights' founding Regulation in line with the very purpose of the Common Approach - which is to harmonise the modus operandi of decentralised agencies (the European Union Agency for Fundamental Rights being the only one whose activities are currently framed also by a Multiannual Framework), in full respect of their independence.

In conclusion, the Commission would like to underline that under the proposal, the draft annual and multiannual work programmes would be sent to National Liaison Officers, so that they can convey the opinion of their Member State to the Agency Director before the programming documents are submitted to the Agency Management Board. Moreover, discussions are currently ongoing in the Council's Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons to reinforce this provision even further in the proposal, so that the discussion on the programming documents is brought to this Working Party. This would give it more visibility and a political dimension, hence also facilitating inter-ministerial coordination at national level on the opinion.

Finally, with regard to the appointment of a Romanian representative on the Management Board of the European Union Agency for Fundamental Rights, based on the additional information provided on the nature of the post of the nominated member for Romania, the Commission accepted the nomination of Mr Csaba-Ferenc Asztalos (the reply was sent by email on 14 July 2020).

³ See articles 32 and 33 of the Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R1271>, then replaced by Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0715> (referred together as "the Framework Financial Regulations for agencies").

⁴ *Ibidem.*

The Commission hopes that these clarifications address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*