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2016/0204 (APP)

Proposal for a

**COUNCIL DECISION**

**establishing a Multiannual Framework for the European Union Agency for  
Fundamental Rights for 2018-2022**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

On 15 February 2007, the Council adopted Regulation (EC) No 168/2007 (the Regulation)<sup>1</sup> establishing a European Union Agency for Fundamental Rights (the Agency). The Agency became operational on 1 March 2007.

The objective of the Agency is to provide the relevant institutions, bodies, offices and agencies of the Union and its Member States, when implementing Union law, with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights. The tasks entrusted to the Agency are set-out in Article 4 of the Regulation and relate to the collection, analysis and dissemination of reliable and comparable information and data, to the development of methods and standards to improve comparability, objectivity and reliability of data at European level, and to the formulation of conclusions and opinions on specific thematic topics for the Union institutions and the Member States. The Agency also raises public awareness of fundamental rights and disseminates information about its work. The Agency carries out its tasks within the scope of Union law. In doing so the Agency refers to fundamental rights as defined in Article 6 of the Treaty on European Union. The Agency is not a legislative or a standard setting body. It is not authorised to deal with the legality of Union acts or with the fulfilment of Member States' obligations under Union law. Its work is instrumental in providing data, assistance and expertise on fundamental rights issues to support evidence-based policy making across the EU, thereby also contributing to the development of a culture of fundamental rights in the EU.

According to Article 5 of the Regulation, the thematic areas of activity of the Agency shall be determined through a five-year Multiannual Framework. The Agency shall carry out its tasks within the thematic areas set out in that Framework. The Multiannual Framework is not a work programme. The Agency's work programmes are adopted each year by its Management Board within the thematic areas determined by the Multiannual Framework and after the Commission has delivered an opinion. Following requests from the European Parliament, the Council or the Commission under Article 4(1)(c) and (d) of the Regulation, the Agency can work outside these thematic areas, provided its financial and human resources so permit.

The objective of this proposal is to establish the Multiannual Framework for the Agency for the years 2018-2022, as required by Article 5 of the Regulation. The current Multiannual Framework (2013-2017) expires at the end of 2017.

The Agency's five-year Multiannual Framework must be based on a number of elements laid down by Article 5 of the Regulation such as:

- (i) The Commission shall consult the Management Board when preparing its proposal;
- (ii) The Multiannual Framework must be in line with the Union's priorities, taking due account of the orientations resulting from the European Parliament resolutions and Council conclusions in the field of fundamental rights;

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<sup>1</sup> OJ L 53, 22.2.2007, p.1.

(iii) The Multiannual Framework must have due regard to the Agency's financial and human resources;

(iv) The Multiannual Framework must include provisions with a view to ensuring complementarity with the remit of other Union bodies, offices and agencies, as well as with the Council of Europe and other international organisations active in the field of fundamental rights;

(v) The Multiannual Framework must include the fight against racism, xenophobia and related intolerance among the thematic areas.

The Commission has also taken into account the following considerations when preparing this proposal:

(i) The need to ensure that the Agency's work remains focused on key areas, taking into account its financial and human resources;

(ii) The need to ensure continuity in the Agency's work, particularly given the importance of the delivery of relevant, objective, reliable and comparable data by the Agency over the years;

(iii) The consultations carried out by the Agency and the Agency's internal and external evaluations.

#### **Themes proposed:**

Based on the above, the Commission proposes to follow the opinion of the Agency's Management Board suggesting to confirm the previous thematic areas whilst removing the exclusion of judicial cooperation in criminal matters and adding a reference to police cooperation. In addition, within the theme related to Roma integration, social inclusion aspects would be strengthened. The thematic areas proposed for the Multiannual Framework of the Agency for the years 2018-2022 are therefore the following (alphabetical order):

- (a) *access to justice and victims of crime;*
- (b) *equality and non-discrimination;*
- (c) *information society and, in particular, respect for private life and protection of personal data;*
- (d) *judicial and police cooperation;*
- (e) *migration, borders, asylum and integration of refugees and migrants;*
- (f) *racism, xenophobia and related intolerance;*
- (g) *rights of the child;*
- (h) *Roma integration and social inclusion.*

- **Consistency with existing policy provisions in the policy area and with other Union policies**

The current Multiannual Framework (2013-2017) was established on 11 March 2013 by Council Decision No 252/2013/EU<sup>2</sup>. Article 2 of this Decision sets-out the following thematic areas:

- a) *access to justice;*
- b) *victims of crime, including compensation to victims of crime;*
- c) *information society and, in particular, respect for private life and protection of personal data;*
- d) *Roma integration;*
- e) *judicial cooperation, except in criminal matters;*
- f) *rights of the child;*
- g) *discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;*
- h) *immigration and integration of migrants, visa and border control and asylum;*
- i) *racism, xenophobia and related intolerance.*

This proposal confirms the relevance for the next five year period of the thematic areas laid down for the Agency for 2013-2017. No theme is withdrawn. Confirming current themes will ensure continuity and consistency in the Agency's work. It will allow the Agency to pursue ongoing work and reiterate large scale studies in these areas, in order to improve comparability and identify trends. 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. It will allow the Agency to develop and refine its expertise in these domains.

Article 5(2)(c) requires the Multiannual Framework to be in line with the Union's priorities, taking due account of the orientations resulting from the European Parliament resolutions and Council conclusions in the field of fundamental rights. The issues relating to fundamental rights raised by European Parliament resolutions<sup>3</sup> and Council conclusions<sup>4</sup> in the last years

<sup>2</sup> OJ L 79, 21.3.2013, p.1.

<sup>3</sup> Main recent European Parliament Resolutions pertaining to fundamental rights: [European Refugee Fund, the European Return Fund and the European Fund for the Integration of Third-Country Nationals](#) of 06.02.2013; [Online consumer dispute resolution](#) of 12.03.2013; [Gender stereotypes in the EU](#) of 12.03.2013; [The fight against racism, xenophobia and hate crime](#) of 14.03.2013; [Integration of migrants](#) of 14.03.2013; [Equal treatment between men and women](#) of 16.04.2013; [Standard settings for media freedom across the EU](#) of 21.05.2013; [Impact of the crisis on access to care for vulnerable groups](#) of 04.07.2013; [EU cybersecurity strategy](#) of 12.09.2013; [Unaccompanied minors in the EU](#) of 12.09.2013; [Migratory flows in the Mediterranean, and Lampedusa](#) of 23.10.2013; [Gender aspects of the European framework of national Roma inclusion strategies](#) of 10.12.2013; [Rights and Citizenship Programme 2014-2020](#) of 10.12.2013; [Women with disabilities](#) of 11.12.2013; [Implementation of the national Roma integration strategies](#) of 12.12.2013; [LGBTI criminalisation](#) of 16.01.2014; [Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity](#) of 04.02.2014; [Undocumented women migrants in the EU](#) of 04.02.2014; [Violence against women](#) of 25.02.2014; [Fundamental rights in the European Union \(2012\)](#) of 27.02.2014; [European arrest warrant](#) of 27.02.2014; [Impact of NSA surveillance programme on EU citizens' fundamental rights](#) of 12.03.2014; [Protection of individuals with regard to the processing of personal data](#) of 12.03.2014; [Processing of personal data for the purposes of crime prevention](#) of 12.03.2014; [Evaluation of justice in relation to criminal justice and the rule of law](#) of 12.03.2014; [EU citizenship report 2013](#) of 12.03.2014; [Asylum,](#)

largely confirm the relevance of the themes proposed for the Multiannual Framework 2018-2022. They also point to the relevance of including police cooperation and judicial cooperation in criminal matters.

Furthermore, racism, xenophobia and related intolerance remains a central theme for the Agency's work under the proposal which is consistent with Article 5(2)b of the Regulation and with the need to support the Commission and the Member States with data and expertise pertaining to the implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>5</sup>.

Moreover, the continued focus on equality and non-discrimination, the rights of the child, migration and asylum, the protection of personal data, access to justice, victim's rights and judicial cooperation will also further support the implementation of EU legislation and policies in other important areas of fundamental rights<sup>6</sup>. Roma integration also remains a

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[Migration and Integration Fund](#) of 13.03.2014; [Network and information security](#) of 13.03.2014; [Mid-term review of the Stockholm Programme](#) of 02.04.2014; [Religious freedoms and cultural diversity](#) of 17.04.2014; [Digital single Market](#) of 27.11.2014; [Situation in the Mediterranean and holistic approach to migration](#) of 17.12.2014; [Progress on equality between women and men in the EU in 2013](#) of 10.03.2015; [Fight against child sexual abuse on the Internet](#) of 11.03.2015; [International Roma Day](#) of 15.04.2015; [European Public Prosecutor's Office](#) of 29.04.2015; [UN Convention on the Rights of Persons with Disabilities](#) of 20.05.2015; [The EU Strategy for equality between women and men post 2015](#) of 09.06.2015; [European Agenda on Security](#) of 09.07.2015; [Situation of fundamental rights in the EU \(2013-2014\)](#) of 08.09.2015; [Migration and refugees in Europe](#) of 10.09.2015; [Electronic mass surveillance of EU citizens](#) of 29.10.2015; [Reducing inequalities with a special focus on child poverty](#) of 24.11.2015; [Cohesion policy and marginalised communities](#) of 24.11.2015; [Prevention of radicalisation and recruitment of European citizens by terrorist organisations](#) of 25.11.2015; [Towards a Digital Single Market Act](#) of 19.01.2016; [Role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values](#) of 19.01.2016; [Presumption of innocence and right to be present at trial in criminal proceedings](#) of 20.01.2016; [Procedural safeguards for children suspected or accused in criminal proceedings](#) of 9.03.2016.

<sup>4</sup> Main recent Council Conclusions pertaining to fundamental rights: [Commission 2012 Report on the Application of the Charter](#) of 29.05.2013; [Cybersecurity Strategy](#) of 22.07.2013; [EU Cybersecurity strategy](#) of 23.10.2013; [Evaluation of the European Union Agency for Fundamental rights](#) of 5-6.12.2013; [Combatting hate crime in the EU](#) of 5.12.2013; [Advancement of Women and Gender Equality](#) of 10.12.2013; [Social situation in the EU](#) of 12.03.2014; [Commission 2013 report on the application of the EU Charter of Fundamental Rights](#) of 21.05.2014; [Freedom, Security and Justice and some related horizontal issues](#) of 16.07.2014; [Protection and promotion of the rights of the child](#) of 05.12.2014; [Application of the Charter](#) of 22.05.2015; [Cyber diplomacy](#) of 11.02.2015; [Action Plan on HR and Democracy](#) of 20.07.2015; [Migration](#) of 20.07.2015; [Migration](#) of 12.10.2015.

<sup>5</sup> OJ L 328, 6.12.2008, p.55.

<sup>6</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000, p. 16; Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, p. 22; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: An EU Agenda for the Rights of the Child, COM(2011) 60 final; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda On Migration, COM(2015) 240 final; 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 on procedural

strong priority and an area where the Agency still has much to deliver. Highlighting social inclusion in this respect, as proposed by the Agency's Management Board, is well in line with EU developments in this area<sup>7</sup>.

Finally, pursuant to Article 5(2)e of the Regulation, the proposal includes provisions with a view to ensuring complementarity with the remit of other Union bodies, offices and agencies, as well as with the Council of Europe and other international organisations active in the field of fundamental rights<sup>8</sup>. The most relevant Union agencies and bodies in relation to this proposal are the European Asylum Support Office (EASO)<sup>9</sup>, the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)<sup>10</sup>, the European Institute for Gender Equality (EIGE)<sup>11</sup>, the European Data Protection Supervisor (EDPS)<sup>12</sup>, European Union Agency for Network and Information Security (ENISA)<sup>13</sup>, the European Union's Judicial Cooperation Unit (EUROJUST)<sup>14</sup>, the European Police Office (EUROPOL)<sup>15</sup>, the European Police College (CEPOL)<sup>16</sup>, the European Foundation for the improvement of living and working conditions (EUROFOUND)<sup>17</sup> and the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)<sup>18</sup>.

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

### • Legal basis

The legal basis for the decision establishing the Multiannual Framework 2018-2022 is Article 352 of the Treaty on the Functioning of the European Union (TFEU). This was also the legal basis for the decision establishing the Multiannual Framework 2013-2017.

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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; Directive of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 189; Regulation of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p.1.

<sup>7</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: An EU Framework for National Roma Integration Strategies up to 2020, COM(2011) 173 final; Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, OJ C 378, 24.12.2013, p. 1; Communication from the Commission: Europe 2020 A strategy for smart, sustainable and inclusive growth, COM(2010) 2020 final; Public consultation on the European Pillar of Social Rights: [http://ec.europa.eu/priorities/deeper-and-fairer-economic-and-monetary-union/towards-european-pillar-social-rights/public\\_en](http://ec.europa.eu/priorities/deeper-and-fairer-economic-and-monetary-union/towards-european-pillar-social-rights/public_en).

<sup>8</sup> Article 5(2)(e) of the Agency's founding Regulation.

<sup>9</sup> Established by Regulation (EU) No 439/2010, OJ L 132, 29.5.2010, p. 11.

<sup>10</sup> Established by Regulation (EC) No 2007/2004, OJ L 349, 25.11.2004, p. 1.

<sup>11</sup> Established by Regulation (EC) No 1922/2006, OJ L 403, 30.12.2006, p. 9.

<sup>12</sup> Established by Regulation (EC) No 45/2001, OJ L 8, 12.1.2001, p. 1.

<sup>13</sup> Established by Regulation (EC) No 460/2004, OJ L 077, 13.03.2004, p. 1.

<sup>14</sup> Established by Council Decision 2002/187/JHA, OJ L 63, 6.3.2002, p. 1.

<sup>15</sup> Established by Council Decision 2009/371/JHA, OJ L 121, 15.5.2009, p. 37.

<sup>16</sup> Established by Council Decision 2005/681/JHA, OJ L 256, 1.10.2005, p. 63.

<sup>17</sup> Established by Regulation (EEC) No 1365/75, OJ L 139, 30.5.1975, p. 1.

<sup>18</sup> Established by Regulation (EU) No 1077/2011, OJ L 286, 1.11.2011, p. 1.

It is to be noted that for the first Multiannual Framework 2007-2012 the legal basis was Article 5(1) of the Agency's Regulation (Council Regulation No168/2007). However, this legal basis cannot be used anymore because it is a secondary legal basis within the meaning of the Court of Justice of the European Union's judgment in case C-133/06<sup>19</sup>. The legal basis for Multiannual Framework proposals should be a provision of the Treaty. In the absence of any other (more specific) provision, the legal basis should be that of the Agency's Regulation, which was adopted on the basis of Article 308 of the former Treaty of the European Community. Following the entry into force of the Lisbon Treaty, an amended version of this article has now become Article 352 of the Treaty on the Functioning of the European Union (TFEU)

- **Subsidiarity**

Article 5(1) of the Agency's Regulation provides that the Agency's Multiannual Framework shall be adopted every five years by the Council, acting on a proposal from the Commission and after consulting the European Parliament. This is therefore a recurring and compulsory EU initiative, allowing to confirm or update the thematic areas on which the Agency should focus its work for the next five year period.

- **Proportionality**

The proposal is proportionate as it follows the format and scope prescribed by the Regulation. There is no latitude for the Commission. It is to be noted also that the Agency was established to develop a body of relevant, objective, reliable and comparable information and data on fundamental rights issues at European level in order to fill the knowledge gap in the areas covered by the Multiannual Framework. There is currently no less burdensome way to collect and centralise comparable fundamental rights' relevant information from all Member States to support the development of evidenced based policies in the EU in the area of fundamental rights. This was confirmed by the Agency's external evaluation carried out in 2012<sup>20</sup>.

- **Choice of the instrument**

There is no choice for the instrument to be used. Article 5 of the Regulation provides that the Multiannual Framework shall be established by the Council, acting on a proposal from the Commission and after consulting the European Parliament.

In conformity with Article 352 TFEU which is the legal basis for the proposal, the Council shall adopt its decision, acting unanimously, on a proposal from the Commission and after obtaining the consent of the European Parliament.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluation**

As per Article 30(4) of the Regulation, an external evaluation was conducted in 2012<sup>21</sup>. It gave a favourable assessment in terms of adequacy of the Agency's assistance and expertise. A new external evaluation will be carried out in 2017 and will look at progress and achievements since the last evaluation. It will cover the way in which the Agency

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<sup>19</sup> Judgment of 6 May 2008, Parliament v. Council, case C-133/06, ECR 2008 p. I-3189.

<sup>20</sup> Ramboll, Evaluation of the European Agency for Fundamental Rights, Final report, November 2012, p.63, [http://fra.europa.eu/sites/default/files/fra-external\\_evaluation-final-report.pdf](http://fra.europa.eu/sites/default/files/fra-external_evaluation-final-report.pdf), point 3.4.

<sup>21</sup> Ramboll, Evaluation of the European Agency for Fundamental Rights, Final report, November 2012, p.63, [http://fra.europa.eu/sites/default/files/fra-external\\_evaluation-final-report.pdf](http://fra.europa.eu/sites/default/files/fra-external_evaluation-final-report.pdf).



implemented its work programme, within the 2013-2017 Multiannual Framework (See also point 5 below for other monitoring, evaluation and reporting arrangements).

- **Stakeholder consultation and collection and use of expertise**

The Regulation requires that the Commission consults the Agency's Management Board when preparing its proposal on the Multiannual Framework. The Commission asked the Agency's Management Board at its meeting of 19-20 May 2015 to prepare grounds for an opinion to be delivered to the Commission in early 2016. The opinion providing the Management Board's views for revising the current Multiannual Framework was delivered to the Commission on 1 March 2016<sup>22</sup>. The opinion is based on discussions during the Management Board's September 2015 meeting, a targeted stakeholders' consultation in September 2015, a stakeholders' meeting in November 2015, the opinion of the Agency's Scientific Committee and a mid-term review of the Agency's activities between 2013-2015<sup>23</sup>. The Commission also consulted the Agency's Management Board on its draft proposal at its meeting of 19-20 May 2016.

The mid-term review of the Agency's activities between 2013-2015 concluded to the relevance of the thematic objectives of the current Multiannual Framework and to the need to further develop the Agency's expertise and pool of data in these areas. This conclusion was informed in particular by stock taking reports assessing achievements for each thematic area and putting forward a preliminary analysis of the impact achieved in the different thematic areas.

The targeted stakeholders' consultation<sup>24</sup> was based on a questionnaire about the Multiannual Framework and its revision. 86% of all respondents found that the current Multiannual Framework themes were still relevant and should be kept in the Agency's new Multiannual Framework for 2018-2022. This was confirmed by the November 2015 stakeholders' meeting, the opinion of the Scientific Committee and by the Agency's Management Board's opinion delivered on 1 March 2016.

- **Impact assessment**

Article 5 of the Regulation prescribes that the thematic areas of activity of the Agency must be laid down in a five-year Multiannual Framework to be adopted by the Council acting on a proposal by the Commission. The current Multiannual Framework (2013-2017) expires at the end of 2017. Making a proposal for a new Multiannual Framework is thus a compulsory, recurring task under the Regulation. It is not optional. Furthermore, the themes under the previous Multiannual Framework remain relevant. One of them is obligatorily fight against racism, xenophobia and related intolerance, as prescribed by article 5 (2)b of the Regulation. There is therefore not much latitude on the themes either.

The Multiannual Framework does not entail any budgetary implications (see point 4).

The better regulation guidelines 'toolbox' makes clear that an impact assessment is only required when the expected economic, environmental or social impacts of EU action are

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<sup>22</sup> <http://fra.europa.eu/en/about-fra/what-we-do/areas-of-work/multi-annual-framework-2018-2022>.

<sup>23</sup> [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-mid-term-review-strategic-plan-2013-2017\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-mid-term-review-strategic-plan-2013-2017_en.pdf).

<sup>24</sup> A questionnaire was sent to around to 500 targeted contacts in civil society organisations and national human right bodies (equality bodies, National Human Rights institutions and Ombuds institutions). Results can be found on: <http://fra.europa.eu/en/about-fra/what-we-do/areas-of-work/multi-annual-framework-2018-2022>.



likely to be significant, which is not the case for the Multiannual Framework. The 'toolbox' also indicates that an impact assessment is not necessary "*when there is little or no choice available for the Commission (for instance when the Commission is implementing previous policy decisions already subject to an impact assessment)*"<sup>25</sup>. This is the case for the Multiannual Framework as under the Regulation, which was subject to an impact assessment that covered the obligation for a Multiannual Framework, the Commission has no option but to make a proposal on a Multiannual Framework every five years.

In accordance with the guidelines' requirements, the absence of impact assessment and its justification was flagged in the roadmap for the proposal.

#### **4. BUDGETARY IMPLICATIONS**

The proposal does not have any direct implication for the EU budget. The Multiannual Framework sets the thematic frame in which the Agency must carry-out its tasks. The Agency will develop projects within the areas of its Multiannual Framework and within the human and financial resources in the Agency's annual budget as adopted by the budgetary authority. This will be detailed in the Agency's programming documents.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Pursuant to Article 12(6)a of the Regulation, the Agency's Management Board shall adopt the Agency's work programme in accordance with the Multiannual Framework and after the Commission and the Scientific Committee have delivered an opinion. This contributes to ensuring the consistency of the Agency's activities with the Multiannual Framework.

Furthermore, the Agency draws-up a Strategic Plan for the period covered by the Multiannual Framework, setting out its objectives and expected results for each of the thematic areas. This serves as guidance for the preparation of the programming documents.

The Agency publishes an annual report on its activities pursuant to Article 4(1)g of the Regulation and regularly carries out internal evaluations of its work, based on the Multiannual Framework, the Strategic Plan and its programming documents. A mid-term review was conducted in November 2015 covering the period 2013-2015<sup>26</sup>. It was based on stock taking reports for each of the thematic areas covered by the Multiannual Framework and illustrated the main achievements. It also provided a preliminary impact analysis on the accomplishment of the 'Objectives' and 'Expected results' foreseen in the Agency's Strategic Plan 2013-2017<sup>27</sup> for each thematic area. This was discussed by the Management Board in its meeting of September 2015. The stock-taking exercise and mid-term review also contributed to the reflection on thematic areas for the Agency's Multiannual Framework 2018 – 2022.

Moreover, as mentioned in point 3, an external evaluation was conducted in 2012<sup>28</sup>. A new external evaluation will be carried out in 2017.

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<sup>25</sup> [http://ec.europa.eu/smart-regulation/guidelines/tool\\_5\\_en.htm](http://ec.europa.eu/smart-regulation/guidelines/tool_5_en.htm).

<sup>26</sup> [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-mid-term-review-strategic-plan-2013-2017\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-mid-term-review-strategic-plan-2013-2017_en.pdf).

<sup>27</sup> [http://fra.europa.eu/sites/default/files/fra\\_strategic\\_plan\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_strategic_plan_en.pdf).

<sup>28</sup> Ramboll, Evaluation of the European Agency for Fundamental Rights, Final report, November 2012, p.63, [http://fra.europa.eu/sites/default/files/fra-external\\_evaluation-final-report.pdf](http://fra.europa.eu/sites/default/files/fra-external_evaluation-final-report.pdf).

- **Detailed explanation of the specific provisions of the proposal**

- Access to justice and victims of crime: These areas are already thematic areas of focus for the Agency under the Multiannual Framework 2013-2017. They are closely related as they cover the pathway to effective justice for citizens. They can therefore be regrouped for the sake also of simplifying the Multiannual Framework. The Stockholm Programme has underlined the need for better access to justice in the EU and for improved support for those who fall victim of crime in the EU. In its Communication on an EU Justice Agenda for 2020<sup>29</sup> the Commission referred to the importance to facilitate access to justice on equal terms in the Member States and ensure swift, reliable and trustworthy remedy, including through "out of court" solutions. It also highlighted EU efforts to uphold the rights of victims of crime<sup>30</sup> and the respect of the right to an effective remedy. The European Council in its Conclusions of 27 June 2014 defining strategic guidelines for the area of freedom, security and justice underlined the need to further simplify access to justice, promote effective remedies and reinforce the protection of victims. A call was made to mobilise the expertise of the Agency in this context. The Agency has in the past years gradually developed its expertise in this area. It for instance published a report on Victims of crime in the EU<sup>31</sup>, a report on severe labour exploitation<sup>32</sup> and large scale surveys which include questions on respondents' experiences as victims of crime (European Union Minorities and Discrimination survey, survey on LGBT persons, survey on Jewish people's experiences and perceptions of antisemitism, violence against women surveys)<sup>33</sup>. The Agency has furthermore produced general reports on access to justice, including in specific settings (e.g. asylum seekers, data protection, children and in relation to the freedom to conduct a business), launched Clarity online guidance on where to turn to get remedy (to be included in e-justice before the end of 2016), and is currently working on a Handbook on Access to justice in Europe<sup>34</sup>. In order to enable the Agency to pursue its work in these areas and further develop its expertise and body of reliable and comparable data, these thematic areas should be confirmed in the Multiannual Framework for the period 2018-2022. This also came out clearly in the internal evaluations of the Agency and in the public consultation launched by the Agency in the autumn 2015, where an overwhelming majority of respondents indicated that these areas of focus should be maintained. Maintaining these areas of focus is supported by the Agency's Management Board.

- Equality and non-discrimination: It is expected that the Agency will continue to collect data on discrimination and equality. This was a central area for the Multiannual Framework 2013-2017 and it should remain so. To simplify the wording used in the previous Multiannual Framework, reference should be made to equality and non-discrimination in general and not enumerate the specific grounds of discrimination covered by Article 21 of the Charter of Fundamental Rights of the European Union. It is to be noted that gender issues

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<sup>29</sup> COM(2014) 144 final.

<sup>30</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57; Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p. 15; Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order, OJ L 338, 21.12.2011, p. 2; Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, OJ L 181, 29.6.2013, p. 4.

<sup>31</sup> <http://fra.europa.eu/en/publication/2014/victims-crime-eu-extent-and-nature-support-victims>.

<sup>32</sup> <http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>.

<sup>33</sup> <http://fra.europa.eu/en/research/surveys>.

<sup>34</sup> <http://fra.europa.eu/en/project/2014/handbook-access-justice-europe>.

should only be dealt with in close consultation and cooperation with EIGE which has as a specific mandate to collect data on gender equality and discrimination based on gender. The Agency has published a number of relevant reports on equality and non-discrimination over the last years (people with disabilities<sup>35</sup>, discrimination based on sexual orientation<sup>36</sup>, situation on Equality in the EU<sup>37</sup>). Its EU Minorities and Discrimination Survey (EU-MIDIS II)<sup>38</sup> will be regularly reiterated in order to be able to identify trends. The Agency is furthermore playing a specific role within the Convention on the Rights of Persons with Disabilities. Continued work on equality and non-discrimination by the Agency will be important to raise awareness on issues on the ground and further support policy making in the area. This is supported also by the Agency's stakeholders as shown during the consultation process and by the Agency's Management Board.

- Information society and, in particular, respect for private life and protection of personal data: with the Digital Agenda for Europe<sup>39</sup>, the European Commission underlined the crucial role of ICT and particularly the internet as “a vital medium of economic and societal activity: for doing business, working, playing, communicating and expressing ourselves freely.” The Digital Single Market Strategy confirmed this approach. The Strategy pays particular attention to its impact on the fundamental right to freedom of expression and information.

It will be important to consolidate online trust and security and ensure access to a plurality of information, sources and views. This can be done by addressing fundamental rights issues in the cyberspace, in particular by strengthening policies to protect and enhance media freedom and pluralism, foster media literacy, foster privacy and personal data protection and combat cybercrime. Specific initiatives were taken by the EU, such as the Directive on combating the sexual abuse and sexual exploitation of children and child pornography<sup>40</sup>, the EU Cybercrime Strategy<sup>41</sup>, the development of the European Cybercrime Centre within Europol, the Directive addressing trafficking in human beings<sup>42</sup> and the new EU legislative framework for data protection<sup>43</sup>. Fundamental rights online are also an important element in Internet Governance.

<sup>35</sup> <http://fra.europa.eu/en/theme/people-disabilities>.

<sup>36</sup> <http://fra.europa.eu/en/theme/lgbti>.

<sup>37</sup> <http://fra.europa.eu/en/opinion/2013/fra-opinion-situation-equality-european-union-10-years-initial-implementation-equality>.

<sup>38</sup> <http://fra.europa.eu/en/project/2015/eu-midis-ii-european-union-minorities-and-discrimination-survey>.

<sup>39</sup> COM(2010) 245 final.

<sup>40</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1.

<sup>41</sup> Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace, JOIN/2013/01 final.

<sup>42</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15.4.2011, p.1.

<sup>43</sup> Directive of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89; Regulation of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p.1.

The Agency has produced a number of studies in the area of data protection such as a Handbook on European data protection case law<sup>44</sup>, a study on remedy available to individuals in relation to surveillance practices<sup>45</sup>, and is currently working on a study on the fundamental rights implications of the use of biometric data<sup>46</sup>. It is important that the Agency reinforces its expertise and collects data on fundamental rights issues pertaining to the digital world – including media content – and the governance of the Internet and on problems on the ground pertaining to the implementation of EU law in this area. The Agency will closely work with other EU agencies and actors in these fields, such as the European Data Protection Supervisor, the European Data Protection Board, ENISA, eu-LISA and the Joint Research Service (JRC).

- Judicial and police cooperation: In its Communication on an EU Justice Agenda for 2020<sup>47</sup> the Commission underlined the importance of enhancing mutual trust by building bridges between the different justice and administrative systems of the Member States. This applies to civil, commercial, administrative and criminal matters and implies fostering cooperation between judicial, administrative and law enforcement authorities and developing minimum standards across the EU. It is important that the Agency is able to support by its research and data initiatives aiming at reinforcing judicial cooperation. This thematic area should therefore remain in the 2018-2022 Multiannual Framework.

It is to be noted that judicial cooperation on criminal matters was excluded from the 2013-2017 Multiannual Framework by the Council. The Commission had however included this area in its 2011 proposal<sup>48</sup>. The European Parliament also strongly advocated the inclusion of criminal and police cooperation in the Agency's current Multiannual Framework and deeply regretted the lack of agreement in the Council in this regard<sup>49</sup>. Indeed, since the entry into force of the Lisbon Treaty, judicial cooperation in criminal matters is part of the EU acquis and important EU initiatives have been taken in this area such as for example the creation of a European Prosecutors Office<sup>50</sup> and common standards for the protection of the rights of suspects and accused persons in criminal procedures<sup>51</sup>. The European Council in its

<sup>44</sup> <http://fra.europa.eu/en/project/2012/handbook-european-data-protection-case-law>.

<sup>45</sup> <http://fra.europa.eu/en/project/2014/national-intelligence-authorities-and-surveillance-eu-fundamental-rights-safeguards-and>.

<sup>46</sup> <http://fra.europa.eu/en/project/2012/handbook-european-data-protection-case-law>.

<sup>47</sup> COM(2014) 144 final.

<sup>48</sup> Commission proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017, COM(2011) 880 final.

<sup>49</sup> Resolution P7\_TA(2012)0500 of 12 December 2012 on the situation of Fundamental Rights in the EU (2010-2011), paragraph 45; Report of the Rapporteur on the current Multiannual Framework: <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2012-0361&language=EN>.

<sup>50</sup> Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office, COM(2013) 534 final.

<sup>51</sup> 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.

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. Furthermore, end 2014 the transitional phase set out in the Lisbon Treaty for the area of justice came to an end. This lifted limitations to the judicial control by the Court of Justice of the European Union and to the Commission's role as Guardian of the Treaty over the area of police and judicial cooperation in criminal matters. Data and information on the situation on the ground is thus important for the Commission to carry out its monitoring role. The Agency's work in the area of criminal justice already proved useful, on the basis of ad hoc studies made at Commission's request (on children in criminal proceedings<sup>52</sup>, transfer of prisoners<sup>53</sup>, right to interpretation, translation and information in criminal proceedings<sup>54</sup>). It should now be fully part of the thematic on judicial cooperation. This was strongly supported by the Agency's Management Board in its opinion and raised also in the external evaluation of the Agency carried out in 2012<sup>55</sup>.

This also applies to police cooperation which should be expressly mentioned in the 2018-2022 Multiannual Framework. 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 in 2015. The fundamental rights dimension is crucial in this respect. This was highlighted by the Commission in its communication on a European Agenda on Security<sup>56</sup>. 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. Strengthened police cooperation is also needed in the light of the refugee crisis which brings about an increase in trafficking in human beings and smuggling of migrants. It is important that the Agency can support through reliable and comparable data and the collection of best practices, initiatives in areas such as for example fight against smuggling of migrants, organised crimes and terrorism.

- Migration, borders, asylum and integration of refugees and migrants: Due to the sharp increase of the numbers of asylum seekers in the last years, migration has become a high priority for the Commission, as emphasized by President Juncker in his speech on the State of the Union on 9 September 2015 and as demonstrated by the adoption of the European Agenda on Migration in May 2015<sup>57</sup> and the numerous initiatives already taken by the Commission in

<sup>52</sup> <http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens>.

<sup>53</sup> <http://fra.europa.eu/en/project/2015/rehabilitation-and-mutual-recognition-practice-concerning-eu-law-transfer-persons>.

<sup>54</sup> <http://fra.europa.eu/en/project/2015/right-interpretation-and-translation-and-right-information-criminal-proceedings-eu>.

<sup>55</sup> Ramboll, Evaluation of the European Agency for Fundamental Rights, Final report, November 2012, p.63, [http://fra.europa.eu/sites/default/files/fra-external\\_evaluation-final-report.pdf](http://fra.europa.eu/sites/default/files/fra-external_evaluation-final-report.pdf). The Agency's 2012 external evaluation concluded that the exclusion of judicial cooperation in criminal matters from the Multiannual framework was seen to be inconsistent from the European citizens' perspective (see p. vii, 63, 71 and 97).

<sup>56</sup> 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.

<sup>57</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration, COM(2015) 240 final.



this field or still to come. In this context and considering the increasing migratory flows towards the EU, the work carried out by the Agency is crucial in highlighting issues on the ground. The Agency should continue to work on the collection of data on this topic in close cooperation with other EU agencies, in particular EASO and FRONTEX. The Agency has already published a number of reports in the last years (e.g. "return/transfer of children at risk who are EU nationals", "social inclusion and migrant participation in society", "alternative detention for asylum seekers and people in return procedures", "costs of exclusion from healthcare – the case of migrants in irregular situation", "fundamental rights at land borders: findings from selected European union border crossing points", "legal entry channels to the EU for persons in need of international protection: a toolbox", "fundamental rights at airports and land borders", "handbook on European law relating to asylum, borders and immigration")<sup>58</sup> and took part in training activities on fundamental rights for border guards in cooperation with FRONTEX. It is also publishing regular data collection on the current migration situation in the EU<sup>59</sup>. As far as the integration of migrants (including refugees) is concerned, the Agency will conduct in 2016 and 2017 two major projects on migrants' integration. First, the second wave of the EU Minorities and Discrimination survey (EU-MIDIS II) which will enable to identify trends. Second, the collection of information on national and regional/local policies on social inclusion and migrant participation in society through the Agency's research network FRANET (SIMPS). This important work on discrimination towards migrants and on social inclusion will have to be continued beyond 2018. Stakeholders are largely supporting the Agency's continued work on migration issues. A call for the Agency to further work on these issues was also made by its Management Board.

- Racism, xenophobia and related intolerance: this thematic area must be included in the Multiannual Framework as prescribed by Article 5 (2)b of the Regulation itself. Racism, xenophobia and other expressions of intolerance are on the rise in the EU, both on and off line. Growing challenges are brought on by the fight against terrorism and radicalisation and in the area of migration. The EU has availed itself of a common framework on combatting racism and xenophobia<sup>60</sup> which is being closely monitored by the Commission. The Commission's first Annual Colloquium on Fundamental Rights resulted in a list of actions to fight hate crime and hate speech and foster a culture of inclusive tolerance in the EU<sup>61</sup>. During the Colloquium the lack of reliable and comparable data on hate crime was underlined. It is therefore important that the Agency focusses its work in helping Member States to progress in this area, including by developing a common methodology to record hate crime. It should do so in cooperation with Eurostat. It will furthermore be important that the Agency regularly reiterates its large scale studies such as the one on antisemitism in order to identify trends, and develops a body of data on anti-Muslim hatred and a separate body of data on xenophobia in light of the migration context.

- Rights of the child: The promotion and protection of the rights of the child is enshrined in the Charter of Fundamental Rights of the EU and is a priority for the EU. It was a major area of focus for the Agency's work under the Multiannual Framework 2013-2017. The Agency has published a wealth of research on rights of the child of relevance also to a number of other policy areas such as asylum and migration, social inclusion, justice, non-

<sup>58</sup> <http://fra.europa.eu/en/theme/asylum-migration-borders>.

<sup>59</sup> <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews>.

<sup>60</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328, 6.12.2008, p. 55.

<sup>61</sup> [http://ec.europa.eu/justice/events/colloquium-fundamental-rights-2015/files/fundamental\\_rights\\_colloquium\\_conclusions\\_en.pdf](http://ec.europa.eu/justice/events/colloquium-fundamental-rights-2015/files/fundamental_rights_colloquium_conclusions_en.pdf).



discrimination, racism and xenophobia, violence against children, child protection and child welfare<sup>62</sup>. The Commission organises an annual European Forum on the rights of the child<sup>63</sup> and has recently taken steps in the area of child protection systems<sup>64</sup> and children in migration<sup>65</sup>. Child-rights focused research and data is essential to support and inform EU and national initiatives. It is important that rights of the child remain an area of focus for the Agency for 2018-2022 in order to allow it to continue to collect data and track progress and trends over time on issues such as child-friendly justice and children in vulnerable situations, making operational the indicators on the rights of the child developed by the Agency. This was strongly supported by the Agency's Management Board.

- Roma integration and social inclusion: Roma integration constitutes a clear priority for the EU. The 'EU Framework for National Roma Integration Strategies up to 2020' requests the Agency to collect data across the Member States on the situation of Roma with respect to access to employment, education, healthcare and housing, as well as to work with Member States to develop monitoring methods which can provide a comparative analysis of the situation of Roma across Europe. The Agency has developed an expertise in the collection of data on Roma issues over the last years, as shown by its reports on the situation of Roma in 11 Member States, the situation of Roma EU citizens moving to and settling in other EU Member States and the EU Minorities and Discrimination Survey<sup>66</sup>. Keeping Roma as a key thematic priority was called for by stakeholders as shown by the results of the public consultation carried out by the Agency. It was also clearly supported by the Agency's Management Board. The Agency should therefore continue its efforts to provide data for all Member States, based also on the set of Roma integration indicators to be developed by the Agency in complementarity with the online reporting tool developed by the Commission. Social inclusion deserves strengthened focus in this context in light of the importance of the fight against poverty and social exclusion which is one the EU's five targets in the Europe 2020 growth strategy. The Agency's experience in collecting information on the social inclusion experience of Roma and other minorities and vulnerable groups (for example through surveys such as EU-MIDIS: the EU Minorities and Discrimination Survey or projects such as SIMPS: the collection of information on national and regional/local policies on social inclusion and migrant participation in society) could also be beneficial for future work of the Agency, such as for example in the context of the upcoming Fundamental Rights Survey or in light of EU priorities linked to the future European Pillar of Social Rights. Complementarity and synergies should be sought with the work of other actors such as EUROFUND or Eurostat, strengthening existing cooperation. It is to be noted that a reinforced focus on social inclusion in the Agency's Multiannual Framework was called for by stakeholders in the public consultation carried out by the Agency in 2015 and by the Agency's Management Board in its opinion on the next Multiannual Framework. It was also called for by the European Parliament<sup>67</sup>.

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<sup>62</sup> <http://fra.europa.eu/en/theme/rights-child>.

<sup>63</sup> [http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/index_en.htm).

<sup>64</sup> [http://ec.europa.eu/justice/fundamental-rights/rights-child/protection-systems/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/protection-systems/index_en.htm).

<sup>65</sup> Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration, COM(2016) 85 final and its annex 6 on ongoing actions contributing to the protection of children in migration.

<sup>66</sup> <http://fra.europa.eu/en/theme/roma>.

<sup>67</sup> For example, Resolution of 14 September 2011 on an EU Homelessness Strategy, Report of the Rapporteur for the European Parliament's Recommendation on the draft Council decision pertaining to the 2013-2017 Multiannual Framework.

Proposal for a

## **COUNCIL DECISION**

### **establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2018-2022**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 352 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the consent of the European Parliament<sup>68</sup>,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) In order for the European Union Agency for Fundamental Rights (the Agency) to carry out its tasks properly, a Multiannual Framework is to be adopted by the Council every five years, determining the thematic areas of the Agency's work in accordance with Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights<sup>69</sup>.
- (2) The first Multiannual Framework was adopted by the Council in Decision 2008/203/EC of 28 February 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multiannual Framework for the European Union Agency for Fundamental Rights for 2007-2012<sup>70</sup>. The second Multiannual Framework was adopted by the Council in Decision 252/2013/EU of 11 March 2013 establishing a Multiannual Framework for the European Union Agency for Fundamental Rights<sup>71</sup>.
- (3) The Multiannual Framework should include provisions with a view of ensuring complementarity with the remit of other Union bodies, offices and agencies, as well as with the Council of Europe and other international organisations active in the field of fundamental rights. The most relevant Union agencies and bodies in relation to this Multiannual Framework are the European Asylum Support Office (EASO) established by Regulation (EU) No 439/2010<sup>72</sup>, the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX) established by Regulation (EC) No 2007/2004<sup>73</sup>, the European Migration Network established by Council Decision 2008/381/EC<sup>74</sup>, the European Institute for Gender Equality (EIGE)

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<sup>68</sup> OJ C , , p. .

<sup>69</sup> OJ L 53, 22.2.2007, p. 1.

<sup>70</sup> OJ L 63, 7.3.2008, p.14.

<sup>71</sup> OJ L 79, 21.3.2013, p.1.

<sup>72</sup> OJ L 132, 29.5.2010, p. 11.

<sup>73</sup> OJ L 349, 25.11.2004, p. 1.

<sup>74</sup> OJ L 131, 21.5.2008, p. 7.

established by Regulation (EC) No 1922/2006<sup>75</sup>, the European Data Protection Supervisor (EDPS) established by Regulation (EC) No 45/2001<sup>76</sup>, the European Union Agency for Network and Information Security (ENISA) established by Regulation (EC) No 460/2004<sup>77</sup>, the European Union's Judicial Cooperation Unit (EUROJUST) established by Council Decision 2002/187/JHA<sup>78</sup>, the European Police Office (EUROPOL) established by Council Decision 2009/371/JHA<sup>79</sup>, the European Police College (CEPOL) established by Council Decision 2005/681/JHA<sup>80</sup>, the European Foundation for the improvement of living and working conditions (EUROFOUND) established by Regulation (EEC) No 1365/75<sup>81</sup> and the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) established by Regulation (EU) No 1077/2011<sup>82</sup>.

- (4) The thematic areas of the Agency's work should include fight against racism, xenophobia and related intolerance.
- (5) The Commission, when preparing its proposal, has consulted the Management Board of the Agency and received a written opinion on 1 March 2016. The Agency's Management Board was further consulted at its meeting of 19-20 May 2016.
- (6) The Agency, upon a request from the European Parliament, the Council or the Commission, as long as its financial and human resources so permit, can work outside the thematic areas determined in the Multiannual Framework, in accordance with Article 5(3) of the Regulation (EC) No 168/2007.

HAS ADOPTED THIS DECISION:

### *Article 1* **Multiannual Framework**

1. A Multiannual Framework for the European Union Agency for Fundamental Rights (the Agency) for the period 2018-2022 is established.
2. The Agency shall, in accordance with Article 3 of Council Regulation (EC) No 168/2007, carry out the tasks defined in Article 4(1) of the Regulation within the thematic areas laid down in Article 2 of this Decision.

### *Article 2* **Thematic areas**

The thematic areas referred to in Article 1(2) shall be the following:

- (a) access to justice and victims of crime;
- (b) equality and non-discrimination;

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<sup>75</sup> OJ L 403, 30.12.2006, p. 9.

<sup>76</sup> OJ L 8, 12.1.2001, p. 1.

<sup>77</sup> OJ L 077, 13.03.2004, p. 1.

<sup>78</sup> OJ L 63, 6.3.2002, p. 1.

<sup>79</sup> OJ L 121, 15.5.2009, p. 37.

<sup>80</sup> OJ L 256, 1.10.2005, p. 63.

<sup>81</sup> OJ L 139, 30.5.1975, p. 1.

<sup>82</sup> OJ L 286, 1.11.2011, p. 1.

- (c) information society and, in particular, respect for private life and protection of personal data;
- (d) judicial and police cooperation;
- (e) migration, borders, asylum and integration of refugees and migrants;
- (f) racism, xenophobia and related intolerance;
- (g) rights of the child;
- (h) Roma integration and social inclusion.

### *Article 3*

#### ***Complementarity and cooperation with other bodies***

1. The Agency shall ensure appropriate cooperation and coordination with relevant Union institutions, bodies, offices and agencies, Member States, international organisations and civil society, in accordance with Articles 6, 7, 8 and 10 of Council Regulation (EC) No 168/2007, in order to implement this Multiannual Framework.

2. The Agency shall deal with issues relating to discrimination based on gender only as part of, and to the extent relevant to, its work to be undertaken on the general issues of discrimination referred to in Article 2, point (b), taking into account that it is for the European Institute for Gender Equality (EIGE)<sup>83</sup> to collect data on gender equality and gender discrimination. The Agency and EIGE should cooperate in accordance with the cooperation agreement of 22 November 2010<sup>84</sup>.

3. The Agency shall cooperate with other Union bodies, offices and agencies such as the European Foundation for the improvement of living and working conditions (EUROFOUND)<sup>85</sup> in accordance with the cooperation agreement of 8 October 2009<sup>86</sup>; with the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)<sup>87</sup> in accordance with the cooperation agreement of 26 May 2010<sup>88</sup>; with the European Asylum Support Office (EASO)<sup>89</sup> in accordance with the working agreement of 11 June 2013<sup>90</sup>; and with the European Union's Judicial Cooperation Unit (EUROJUST)<sup>91</sup> in accordance with the memorandum of understanding of 3 November 2014<sup>92</sup>. It shall moreover cooperate with the European Police Office (EUROPOL)<sup>93</sup>, the European Police College (CEPOL)<sup>94</sup>, the European Migration Network<sup>95</sup>, and the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (EU-Lisa)<sup>96</sup> in accordance with the future cooperation agreements.

4. The Agency shall carry out its tasks in all areas related to the respect for private life and the protection of personal data to support the Union institutions, bodies, offices and

<sup>83</sup> Established by Regulation (EC) No 1922/2006, OJ L 403, 30.12.2006, p. 9.

<sup>84</sup> [http://fra.europa.eu/sites/default/files/fra\\_uploads/1257-FRA-EIGE-cooperation-agreement\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1257-FRA-EIGE-cooperation-agreement_EN.pdf).

<sup>85</sup> Established by Regulation (EEC) No 1365/75, OJ L 139, 30.5.1975, p. 1.

<sup>86</sup> [http://fra.europa.eu/sites/default/files/fra\\_uploads/1961-eurofound-fra-cooperation-agreement\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1961-eurofound-fra-cooperation-agreement_EN.pdf).

<sup>87</sup> Established by Regulation (EC) No 2007/2004, OJ L 349, 25.11.2004, p. 1.

<sup>88</sup> [http://fra.europa.eu/sites/default/files/fra\\_uploads/891-Cooperation-Agreement-FRA-Frontex\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/891-Cooperation-Agreement-FRA-Frontex_en.pdf).

<sup>89</sup> Established by Regulation (EU) No 439/2010, OJ L 132, 29.5.2010, p. 11.

<sup>90</sup> <http://fra.europa.eu/sites/default/files/fra-easo-cooperation-agreement-.pdf>.

<sup>91</sup> Established by Council Decision 2002/187/JHA, OJ L 63, 6.3.2002, p. 1.

<sup>92</sup> [http://fra.europa.eu/sites/default/files/mou\\_fra\\_-\\_eurojust.pdf](http://fra.europa.eu/sites/default/files/mou_fra_-_eurojust.pdf).

<sup>93</sup> Established by Council Decision 2009/371/JHA, OJ L 121, 15.5.2009, p. 37.

<sup>94</sup> Established by Council Decision 2005/681/JHA, OJ L 256, 1.10.2005, p. 63.

<sup>95</sup> Established by Council Decision 2008/381/EC, OJ L 131, 21.5.2008, p. 7.

<sup>96</sup> Established by Regulation (EU) No 1077/2011, OJ L 286, 1.11.2011, p. 1.

agencies, and Member States in ensuring that these fundamental rights and freedoms of natural persons are respected by the Union institutions, bodies, offices and agencies. In doing so it shall ensure complementarity with the work of the European Data Protection Supervisor (EDPS)<sup>97</sup>, the European Data Protection Board, the Agency for Network and Information Security (ENISA)<sup>98</sup> and the European Commission's Joint Research Centre (JRC).

5. The Agency shall coordinate its activities with those of the Council of Europe in accordance with Article 9 of Council Regulation (EC) No 168/2007 and in accordance with the Agreement between the European Union and the Council of Europe on cooperation between the EU Agency for Fundamental Rights and the Council of Europe<sup>99</sup>, referred to in that Article.

#### *Article 4* *Entry into force*

This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 January 2018.

Done at Brussels,

*For the Council*  
*The President*

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<sup>97</sup> Established by Regulation (EC) No 1922/2006, OJ L 403, 30.12.2006, p. 9.

<sup>98</sup> Established by Regulation (EC) No 460/2004, OJ L 077, 13.03.2004, p. 1.

<sup>99</sup> OJ L 186, 15.7.2008, p. 7.