



EUROPEAN COMMISSION

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COM(2011) 880 final

2011/0431 (APP)

Proposal for a

**COUNCIL DECISION**

**establishing a Multiannual Framework  
for the European Union Agency for Fundamental Rights for 2013-2017**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### 1.1. Grounds 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 relate to the collection and analysis of information and data; to the provision of advice through reports and opinions; and to cooperation with civil society and raising awareness of fundamental rights. The Agency is not authorized to deal with the legality of Union acts nor with the fulfilment of Member States' obligations under Union law.

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 the above-mentioned tasks within these thematic areas. 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. Following requests from the European Parliament, the Council or the Commission under Article 4(1)(c) and (d) of the Regulation, the Agency work can outside these thematic areas, provided its financial and human resources so permit.

The objective of this proposal is to establish the Multiannual Framework of the Agency for the period 2013-2017, as required by Article 5 of the Regulation. The current Multiannual Framework (2007-2012) expires at the end of 2012.

#### 1.2. Multiannual Framework 2007-2012

On 28 February 2008, the Council adopted Decision 2008/203/EC 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>2</sup>. Article 2 of this Decision sets out the following thematic areas:

- (a) *racism, xenophobia and related intolerance;*
- (b) *discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds (multiple discrimination);*
- (c) *compensation of victims;*

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

<sup>2</sup> OJ L 63, 7.3.2008, p.14.

- (d) *the rights of the child, including the protection of children;*
- (e) *asylum, immigration and integration of migrants;*
- (f) *visa and border control;*
- (g) *participation of the citizens of the Union in the Union's democratic functioning;*
- (h) *information society and, in particular, respect for private life and protection of personal data;*
- (i) *access to efficient and independent justice.*

### **1.3. Elements of the Multiannual Framework**

The Multiannual Framework must determine the thematic areas of the Agency's activity and must be based on a number of elements laid down by Article 5(2) of the Regulation, together with the scope of the Agency under Article 3. These are the following:

- (i) The Agency must carry out its tasks within the competencies of the Union as laid down in the Treaty on the Functioning of the European Union<sup>3</sup>;
- (ii) The Multiannual Framework shall cover five years<sup>4</sup>;
- (iii) 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<sup>5</sup> (see section 1.4 below);
- (iv) The Multiannual Framework must have due regard to the Agency's financial and human resources<sup>6</sup>. It should be noted in this respect that the financial resources of the Agency for 2013 have been set by the financial framework annexed to the Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management of 17 May 2006<sup>7</sup> and presented in Document V Financial Programming 2008-2013 of Statement of Estimates of the Commission for 2008<sup>8</sup>. As regards 2014-2017, they will be set within the limits of the Multiannual Financial Framework for the years 2014-2020.
- (v) 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<sup>9</sup>. The most relevant Union agencies and bodies in relation to this proposal are the European Asylum Support Office (EASO)<sup>10</sup>, the European

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<sup>3</sup> Article 3(1) of Regulation (EC) No 168/2007 establishing the Agency (FRA Regulation).

<sup>4</sup> Article 5(2)(a) of FRA Regulation.

<sup>5</sup> Article 5(2)(c) of FRA Regulation.

<sup>6</sup> Article 5(2)(d) of FRA Regulation.

<sup>7</sup> OJ C 139, 14.6.2006, p. 1.

<sup>8</sup> SEC (2007) 500 final of 2 May 2007.

<sup>9</sup> Article 5(2)(e) of FRA Regulation.

<sup>10</sup> Established by Regulation (EU) No 439/2010, OJ L 132, 29.5.2010, p. 11.

Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)<sup>11</sup>, the European Migration Network<sup>12</sup>, the European Institute for Gender Equality (EIGE)<sup>13</sup>, the European Data Protection Supervisor (EDPS)<sup>14</sup>, the European Union's Judicial Cooperation Unit (EUROJUST)<sup>15</sup>, the European Police Office (EUROPOL)<sup>16</sup>, the European Police College (CEPOL)<sup>17</sup>, the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (IT Agency)<sup>18</sup> and the European Foundation for the improvement of living and working conditions (EUROFOUND)<sup>19</sup>.

(vi) The Multiannual Framework must include the fight against racism, xenophobia and related intolerance among the thematic areas<sup>20</sup>.

#### 1.4. European Parliament and Council

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 following issues relating to fundamental rights have been raised through the European Parliament resolutions in recent years<sup>21</sup>:

- the protection of personal data and privacy;
- children's rights; all forms of violence against children, in particular sexual exploitation of children and child pornography; children of migrants, asylum seekers and refugees; unaccompanied minors; child poverty and child labour; justice for young people; assistance for children; participation of children.
- civil and criminal justice; rights of individuals in criminal procedures;
- protection of victims;
- citizen's rights and free movement;
- Roma exclusion and stigmatisation;
- racism and xenophobia;

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<sup>11</sup> Established by Regulation (EC) No 2007/2004, OJ L 349, 25.11.2004, p. 1.

<sup>12</sup> Established by Council Decision 2008/381/EC, OJ L 131, 21.5.2008, p. 7.

<sup>13</sup> Established by Regulation (EC) No 1922/2006, OJ L 403, 30.12.2006, p. 9.

<sup>14</sup> Established by Regulation (EC) No 45/2001, OJ L 8, 12.1.2001, p. 1.

<sup>15</sup> Established by Council Decision 2002/187/JHA, OJ L 63, 6.3.2002, p. 1.

<sup>16</sup> Established by Council Decision 2009/371/JHA, OJ L 121, 15.5.2009, p. 37.

<sup>17</sup> Established by Council Decision 2005/681/JHA, OJ L 256, 1.10.2005, p. 63.

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

<sup>19</sup> Established by Regulation (EEC) No 1365/75, OJ L 139, 30.5.1975, p. 1.

<sup>20</sup> Article 5(2)(b) of FRA Regulation.

<sup>21</sup> Resolutions of 14.1.2009, 3.2.2009, 19.2.2009, 10.3.2009, 11.3.2009, 12.3.2009, 24.3.2009, 26.3.2009, 2.4.2009, 22.4.2009, 24.4.2009, 7.5.2009, 17.9.2009, 25.11.2009, 26.11.2009, 10.2.2010, 25.3.2010, 5.5.2010, 18.5.2010, 15.6.2010, 17.6.2010, 7.9.2010, 9.9.2010, 22.9.2010, 20.10.2010, 23.11.2010, 14.12.2010, 15.12.2010, 19.1.2011, 8.3.2011, 9.3.2011, 10.3.2011, 24.3.2011, 5.4.2011 and [..].

- profiling, including on the basis of ethnicity and race, in counter-terrorism, law enforcement, immigration, customs and border control;
- non-discrimination and equality;
- protection of national minorities, minority rights;
- gender equality, women's rights, violence against women; female genital mutilation;
- homophobia and discrimination on the grounds of sexual orientation;
- disability issues and discrimination on the grounds of disability;
- discrimination based on age;
- freedoms of expression; freedom of the press and media pluralism;
- freedom of religion and discrimination on the basis of religion or belief;
- security and fundamental freedoms on the Internet;
- intellectual property rights;
- asylum and Common European Asylum System;
- immigration and border control;
- integration of migrants;
- social rights;
- poverty and social exclusion;
- right to healthcare.
- consumer rights;
- trafficking in human beings;
- fight against terrorism;
- respect for cultural, religious and linguistic diversity;
- memory of the crimes committed by totalitarian regimes.

The following issues relating to fundamental rights have been raised through the conclusions of the European Council in recent years<sup>22</sup>:

- protection of personal data and privacy;
- European area of justice;

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<sup>22</sup> European Councils of 18/19.6.2009, 29/30.10.2009, 10/11.12.2009, 17.6.2010, 4.2.2011 and [ ].

- rights of the child;
- gender equality;
- European migration policy, including European Pact on Immigration and Asylum, Common European Asylum System, visa issues and border control;
- trafficking in human beings;
- social rights;
- internal security strategy;
- intellectual property rights.

## 2. CONSULTATION

When preparing its proposal, the Commission has consulted the Management Board of the Fundamental Rights Agency, and received a preliminary contribution on 8 June 2011. The Agency's Fundamental Rights Platform - a network of cooperation with civil society - has been consulted by the Management Board, which provided a contribution on 18 October 2011. The Commission took account of the comments made during the consultation on this proposal.

The Management Board has identified the following thematic areas:

- (a) Effective judicial protection, including access to justice;*
- (b) Victims of crime;*
- (c) Judicial cooperation;*
- (d) Police cooperation;*
- (e) Immigration and integration of migrants, border control and visa; asylum;*
- (f) Racism, xenophobia and related intolerance;*
- (g) Roma integration;*
- (h) Discrimination as defined in Article 21 of the Charter of Fundamental Rights;*
- (i) Participation in the EU independent framework pursuant to Article 33(2) of the UN Convention on the Rights of Persons with Disabilities;*
- (j) Rights of the child;*
- (k) Information, privacy and personal data;*
- (l) Social rights.*

### **3. LEGAL ASPECTS OF THE PROPOSAL**

#### **3.1. Content of the proposed action**

In addition to the elements required by the Regulation (see section 1.3 above), the Commission has taken into account the following considerations in preparing this proposal:

(i) The entry into force of the Treaty of Lisbon and its impact on the Agency's activities. The Treaty of Lisbon amended the Treaty establishing the European Community by conferring competence on the Union (this notion replaces the words "*Community*" and "*European Community*") as regards the area of justice, security and freedom. This results in particular from Article 1(3) TEU, which states that "*The Union shall replace and succeed the European Community*". Matters previously included in Title VI of the EU Treaty (the former "third pillar") have now become Chapters 4 ("Judicial cooperation in criminal matters") and 5 ("Police cooperation") of Title V ("Area of freedom, security and justice") of the TFUE.

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

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

In view of the above, the Commission proposes that the following thematic areas be included for the Multiannual Framework of the Agency for the years 2013-2017:

- (a) Access to justice;
- (b) Victims of crime;
- (c) Information society and, in particular, respect for private life and protection of personal data;
- (d) Roma integration;
- (e) Police cooperation, taking into account the specific nature of this field;
- (f) Judicial cooperation, taking into account the specific nature of this cooperation when it relates to criminal matters;
- (g) Rights of the child;
- (h) Discrimination based on 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;
- (i) Immigration and integration of migrants; border control and visa; asylum;
- (j) Racism, xenophobia and related intolerance.

### 3.2. Legal basis

The legal basis of the Multiannual Framework 2007-2012 is Article 5(1) of Council Regulation (EC) No 168/2007 establishing the Agency. However, this legal basis can no longer be used because it is a secondary legal basis within the meaning of judgment of the European Court of Justice in case C-133/06<sup>23</sup>.

The legal basis for the current proposal should therefore 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 of the Functioning of the European Union.

## 4. BUDGETARY IMPLICATION

The proposal does not have any direct implication for the EU budget. The Agency will develop projects within the areas suggested and for which the resources have already been earmarked by the budgetary authority.

## 5. DETAILED EXPLANATION OF THE PROPOSAL

The thematic areas of the Agency's activity (Article 2) allow the Agency to look into all issues of fundamental rights - falling within the scope of EU law - that might arise within a given thematic area.

- *Access to justice*: The Stockholm Programme has underlined the need for better access to justice in the EU. This area could cover issues such as effective judicial protection, including access to efficient and independent justice, and the guarantees of a fair trial. The Agency has published reports within this area ('Access to justice in Europe: an overview of challenges and opportunities', 'EU Minorities and Discrimination Survey') and it needs to continue collecting data on the different issues around access to justice, including contract law and consumer rights.
- *Victims of crime*: The Agency has indirectly dealt with victims in its reports on 'Access to justice in Europe: an overview of challenges and opportunities' or 'EU Minorities and Discrimination Survey'. In view of the increasing number of EU initiatives regarding victims' rights, the work of FRA should cover, inter alia, victims' protection, victim-support services, legal standing, rights awareness, vulnerable victims and compensation for damages.
- *Information society and, in particular, respect for private life and protection of personal data*: Under this thematic area the Agency could collect data in particular on the implications of the online environment for fundamental rights, such as the protection of personal data and privacy. The importance of these issues has been underlined by the European Parliament. FRA has developed some work in this field (report 'Data Protection in the European Union: the role of National Data Protection

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<sup>23</sup> Judgment of 6 May 2008, Parliament v. Council, case C-133/06, ECR 2008 p. I-3189.



Authorities') and it is expected that it should develop an expertise on it. The Agency's data-collection activities in this field could contribute to the smooth implementation of the reformed EU legal framework for data protection.

- *Roma integration*: Roma integration constitutes a clear priority for the EU. The Commission's Communication on an 'EU Framework for National Roma Integration Strategies up to 2020' requests the Agency, working together with other relevant bodies such as EUROFOUND, to collect data across the 27 Member States on the situation of Roma as regards access to employment, education, healthcare and housing, as well as to work with Member States in order to develop monitoring methods which can provide a comparative analysis of the situation of Roma across Europe<sup>24</sup>. Data collection will also be drawn from specific research funded by Socio-economic Sciences and Humanities Programme of the 7<sup>th</sup> Framework Programme. The Agency has built up an expertise in the collection of data on Roma issues over the last years, as shown by its reports 'Housing conditions of Roma and Travellers in the EU', 'The situation of Roma EU citizens moving to and settling in other EU Member States' and 'EU Minorities and Discrimination Survey'.
- *Police cooperation, taking into account the specific nature of this field*: The removal of the so-called 'pillars' with the entry into force of the Treaty of Lisbon should lead to the inclusion of police cooperation among the thematic areas of the Agency, allowing FRA to collect data provided it falls within EU competence and without prejudice to ongoing work to improve crime statistics. FRA shall use data already existing/provided by Member States so as to avoid duplication with the work of law enforcement services.
- *Judicial cooperation, taking into account the specific nature of this cooperation when it relates to criminal matters*: This area includes judicial cooperation in civil and commercial matters as well as in criminal matters. The removal of the so-called 'pillars' justifies this area being added to the thematic areas of the Agency. FRA could collect data on issues relating to, inter alia, the fight against organised crime, terrorism or human trafficking.
- *Rights of the child*: The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has placed further emphasis. Under this thematic area the Agency could contribute to the implementation of the 'EU Agenda for the Rights of the Child' by collecting data on issues such as child-friendly justice and children in vulnerable situations, as well as by making operational the indicators on the rights of the child developed by the Agency<sup>25</sup>. The fight against child poverty is a key priority of the EU and FRA research on it would contribute to the implementation of the future Commission Recommendation on child poverty. FRA has published reports regarding children ('Child Trafficking in the EU: Challenges, perspectives and good practices', 'Separated asylum seeking children in EU Member States') and carried out educational projects such as the 'S-Cool Agenda', the Handbook for teachers 'Excursions to the past – teaching for the future' or the study on 'The role of historical sites and museums in Holocaust education and human rights education in the EU'. Under this thematic area, FRA's

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<sup>24</sup> COM(2011) 173 final.

<sup>25</sup> COM(2011) 60 final.

work could also relate to the areas of education, social inclusion and youth policies and other relevant Union policies.

- *Discrimination based on 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:* It is expected that the Agency will continue to collect data on discrimination. The grounds of discrimination covered are those of Article 21 of the EU Charter of Fundamental Rights, but they exclude 'sex', since EIGE has now become fully operational and is responsible for collecting data on gender equality and discrimination based on sex. This should not prevent FRA from covering gender issues when dealing with 'multiple discrimination' or including a gender perspective in its reports, in close cooperation with EIGE. This thematic area should enable 'multiple discrimination', discrimination at the work place, or aspects related to poverty reduction and social inclusion to be covered. FRA has published a number of relevant reports under this heading in recent years, such as 'Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity', 'Respect for and protection of persons belonging to minorities', 'Migrants, minorities and employment – Exclusion and discrimination in the 27 Member States of the EU', 'EU Minorities and Discrimination Survey', 'The legal protection of persons with mental health problems under non-discrimination law', 'Handbook on European non-discrimination law', 'The impact of the Racial Equality Directive – Views of trade unions and employers in the EU', 'Experience of Discrimination, Social Marginalisation and Violence among Muslim and non-Muslim Youth', and 'Racism, ethnic discrimination and exclusion of migrants and minorities in sport: the situation in the EU'.
- *Immigration and integration of migrants; border control and visa; asylum:* The treatment at the borders and conditions in detention centres for regularly and irregularly entering immigrants, as well as aspects related to victims of human trafficking, have raised particular concerns from the point of view of fundamental rights. *Integration of migrants* is a thematic area closely related to immigration in which fundamental rights are also an important consideration. Aspects related to poverty reduction and social inclusion should not be disregarded. Most of the legislative instruments in the area of *Borders and Visas* contain specific clauses for the respect of the fundamental rights and freedoms. The practice of 'ethnic profiling' could be dealt with under this thematic area. *Asylum* is an area covered by a wealth of EU legislation, of which fundamental rights are an essential component. The Agency should continue to work on the collection of data on this topic in close cooperation with EASO. FRA has published a number of reports on these topics in recent years ('Migrants in an irregular situation: access to healthcare in 10 EU Member States', 'Migrants, minorities and employment – Exclusion and discrimination in the 27 Member States of the EU', 'Migrants in an irregular situation employed in domestic work: fundamental rights challenges for the EU and its Member States', 'The asylum-seeker perspective: access to effective remedies and the duty to inform applicants', 'Detention of third country nationals in return procedures', 'Separated asylum seeking children in EU Member States', 'Coping with a fundamental rights emergency: The situation of persons crossing the Greek land border in an irregular manner') and carried out training on fundamental rights for border guards in cooperation with FRONTEX. The Agency should continue

cooperating with FRONTEX. The expectation among stakeholders is that FRA will continue to collect data on the issues falling within this thematic area.

- *Racism, xenophobia and related intolerance*: this thematic area is laid down in the Regulation itself. FRA has significant expertise in the collection of data under this area, as shown by its reports 'Antisemitism: summary overview', 'Understanding and preventing ethnic profiling: a guide', 'Experience of Discrimination, Social Marginalisation and Violence among Muslim and non-Muslim Youth', and 'Racism, ethnic discrimination and exclusion of migrants and minorities in sport: the situation in the EU'. Under this period, particular emphasis should be given to ethnic profiling, racist and xenophobic hate speech and hate crimes, as well as to analysing from a preventive perspective societal trends leading to such phenomena.

Proposal for a

## **COUNCIL DECISION**

### **establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017**

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<sup>26</sup>,

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

Having regard to the consent of the European Parliament<sup>27</sup>,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Bearing in mind the objectives of the foundation of the European Union Agency for Fundamental Rights (hereinafter the Agency) and in order for the Agency to carry out its tasks properly, the precise thematic areas of its activity are to be determined by a Multiannual Framework covering five years as stipulated in Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights<sup>28</sup>.
- (2) The first Multiannual Framework was adopted by the Council in its 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.
- (3) The Multiannual Framework should be conducted only within the scope of Union law.
- (4) The Multiannual Framework should 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.
- (5) The Multiannual Framework should have due regard to the Agency's financial and human resources.

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<sup>26</sup> OJ C , , p. .

<sup>27</sup> OJ C , , p. .

<sup>28</sup> OJ L 53, 22.2.2007, p. 1.

- (6) 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>29</sup>, the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX) established by Regulation (EC) No 2007/2004<sup>30</sup>, the European Migration Network established by Council Decision 2008/381/EC<sup>31</sup>, the European Institute for Gender Equality (EIGE) established by Regulation (EC) No 1922/2006<sup>32</sup>, the European Data Protection Supervisor (EDPS) established by Regulation (EC) No 45/2001<sup>33</sup>, the European Union's Judicial Cooperation Unit (EUROJUST) established by Council Decision 2002/187/JHA<sup>34</sup>, the European Police Office (EUROPOL) established by Council Decision 2009/371/JHA<sup>35</sup>, the European Police College (CEPOL) established by Council Decision 2005/681/JHA<sup>36</sup>, the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (IT Agency) established by Regulation (EU) No 1077/2011<sup>37</sup> and the European Foundation for the improvement of living and working conditions (EUROFOUND) established by Regulation (EEC) No 1365/75<sup>38</sup>.
- (7) The Multiannual Framework should include the fight against racism, xenophobia and related intolerance amongst the thematic areas of the Agency's activity.
- (8) In view of the importance of the fight against poverty and social exclusion for the EU – which has made it one of the five targets of its Europe 2020 growth strategy -, the Agency should look into the economic and social pre-conditions enabling an effective enjoyment of fundamental rights when collecting and disseminating data within the thematic areas established by this Decision.
- (9) The Commission, when preparing its proposal, has consulted the Management Board of the Fundamental Rights Agency and received written comments on 18 October 2011.
- (10) 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 Multi-annual Framework, in accordance with Article 5(3) of the Regulation (EC) No 168/2007.

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<sup>29</sup> OJ L 132, 29.5.2010, p. 11.

<sup>30</sup> OJ L 349, 25.11.2004, p. 1.

<sup>31</sup> OJ L 131, 21.5.2008, p. 7.

<sup>32</sup> OJ L 403, 30.12.2006, p. 9.

<sup>33</sup> OJ L 8, 12.1.2001, p. 1.

<sup>34</sup> OJ L 63, 6.3.2002, p. 1.

<sup>35</sup> OJ L 121, 15.5.2009, p. 37.

<sup>36</sup> OJ L 256, 1.10.2005, p. 63.

<sup>37</sup> OJ L 286, 1.11.2011, p. 1.

<sup>38</sup> OJ L 139, 30.5.1975, p. 1.

HAS DECIDED AS FOLLOWS:

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

1. A Multi-Annual Framework for the European Union Agency for Fundamental Rights (hereinafter "the Agency") for the period 2013-2017 is hereby established.
2. The Agency shall, in accordance with Article 3 of Regulation (EC) No 168/2007, carry out the tasks defined in Article 4(1) of Regulation (EC) No 168/2007 within the thematic areas laid down in Article 2 of this Decision.

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

The thematic areas shall be the following:

- (a) Access to justice;
- (b) Victims of crime;
- (c) Information society and, in particular, respect for private life and protection of personal data;
- (d) Roma integration;
- (e) Police cooperation, taking into account the specific nature of this field;
- (f) Judicial cooperation, taking into account the specific nature of this cooperation when it relates to criminal matters;
- (g) Rights of the child;
- (h) Discrimination based on 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;
- (i) Immigration and integration of migrants; visa and border control; asylum;
- (j) Racism, xenophobia and related intolerance.

*Article 3*  
***Complementarity and cooperation with other bodies***

1. The Agency shall ensure appropriate cooperation and coordination with relevant Union bodies, offices and agencies, Member States, international organisations and civil society, under the terms of Articles 7, 8 and 10 of Regulation (EC) No 168/2007, for the implementation of this Multiannual Framework.

2. The Agency shall deal with issues relating to discrimination based on sex 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 (g), taking into account that it is for the European Institute for Gender Equality (EIGE)<sup>39</sup> to collect data on gender equality and sex discrimination. FRA and EIGE should cooperate in the terms established by the cooperation agreement of 22 November 2010.

3. The Agency shall cooperate with the European Foundation for the improvement of living and working conditions (EUROFOUND)<sup>40</sup> in the terms established in the cooperation agreement of 8 October 2009; with the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)<sup>41</sup> in the terms set out in the cooperation agreement of 26 May 2010. It shall moreover cooperate with the European Asylum Support Office (EASO)<sup>42</sup>, the European Migration Network<sup>43</sup>, the European Union's Judicial Cooperation Unit (EUROJUST)<sup>44</sup>, the European Police Office (EUROPOL)<sup>45</sup>, the European Police College (CEPOL)<sup>46</sup> and the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (IT Agency)<sup>47</sup> in the terms established by future respective cooperation agreements.

4. The Agency shall carry out its tasks in the area of information society and, in particular, of respect for private life and protection of personal data, without prejudice to the responsibilities of the European Data Protection Supervisor to ensure that the fundamental rights and freedoms of natural persons, and in particular their right to privacy, are respected by Union institutions and bodies in accordance with his or her duties and powers as stipulated in Article 46 and 47 of Regulation (EC) No 45/2001.

5. The Agency shall coordinate its activities with those of the Council of Europe under the terms of Article 9 of Regulation (EC) No 168/2007 and in 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>48</sup>, referred to in that Article.

Done at Brussels,

*For the Council  
The President*

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<sup>39</sup> Established by Regulation (EC) No 1922/2006, OJ L 403, 30.12.2006, p. 9.

<sup>40</sup> Established by Regulation (EEC) No 1365/75, OJ L 139, 30.5.1975, p. 1.

<sup>41</sup> Established by Regulation (EC) No 2007/2004, OJ L 349, 25.11.2004, p. 1.

<sup>42</sup> Established by Regulation (EU) No 439/2010, OJ L 132, 29.5.2010, p. 11.

<sup>43</sup> Established by Council Decision 2008/381/EC, OJ L 131, 21.5.2008, p. 7.

<sup>44</sup> Established by Council Decision 2002/187/JHA, OJ L 63, 6.3.2002, p. 1.

<sup>45</sup> Established by Council Decision 2009/371/JHA, OJ L 121, 15.5.2009, p. 37.

<sup>46</sup> Established by Council Decision 2005/681/JHA, OJ L 256, 1.10.2005, p. 63.

<sup>47</sup> Established by Regulation (EU) No 1077/2011, OJ L 286, 1.11.2011, p. 1.

<sup>48</sup> OJ L 186, 15.7.2008, p. 7.