



The Hague, 14 December 2005

European Parliament
Attn. Mrs. Kinga GÁL
Rapporteur of the LIBE-committee
60, rue Wiertz
B – 1047 Brussels
BELGIUM

134247

Dear Madam,

The European Cooperation Organisations committee and the special committee for the Council on Justice and Home Affairs of the Dutch Senate have informed you previously, through a press release, of their point of view regarding the creation of a European Human Rights Agency. Both in writing and in an oral consultation, the Minister of Foreign Affairs and the Minister for Government Reform and Kingdom Relations were informed of the major objections the Senate has. By means of this letter, I would like to give you an update on the state of play.

The reactions the Senate has received on the press release made clear it does not stand alone in its opposition against the Agency, this in contrary to what was claimed by the Dutch government.

An overwhelming majority of the Senate shares the opinion that the Human Rights Agency would double the work of other institutions and organisations, like the Council of Europe, the European Court of Human Rights and the Organisation for Security and Cooperation in Europe, in an unnecessary and undesirable way. Furthermore, the representatives are afraid of the possible consequences for the relationship between the European Union and the other European countries once the Agency will be in place. The respect for human rights is exactly the foundation of the pan-European idea and an Agency specifically created by the EU, addressing these issues, could only spoil the existing bonds. In third place, the extension of the geographical scope of the Agency would be illegitimate, besides the before mentioned duplication it would mean.

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The correspondence of the Senate with the other parliaments in EU Member States over the last few weeks, made clear that this House is not alone in having major objections to the creation of the Human Rights Agency. Several parliaments have informed us that they share our concerns and that they have conveyed these to their respective governments. A number of parliaments have indicated that their inquiries into the Agency had not been wound up as yet.

The Senate has requested both Ministers to give their view of the European field of force regarding the proposal to create a Human Rights Agency. Furthermore, it has insisted the government will not agree to any particular proposal at this moment and will place a reserve on the draft regulation in question, if that is not already done. In view of the unanimity required to conclude the negotiations on this proposal, the Dutch government was asked to submit the final draft to parliament for endorsement. During the “Debate on Europe”, which was held 6 December last, the Minister of Foreign Affairs has promised the Senate he would comply with its judgement.

Assuming this information will be of use,

Sincerely yours,

P.R.H.M. van der Linden

President of the European Cooperation Organisations committee of the Dutch Senate

J.W.M. Engels

President of the special committee for the Council on Justice and Home Affairs

A similar letter was sent to Mr. Cavada, president of the LIBE Committee and the presidents of the committees AFET, BUDG, CULT, AFCE and FEMM of the European Parliament, as well as to the national parliaments of the EU Member States