

The Hague, 31 March 2006

The Speakers of the National Parliaments of the
EU Member States/
The Speaker of the European Parliament

132706.12

Dear Colleagues,

As of December 2004 the Dutch Senate, in particular the committee for European Cooperation Organisations and the special committee for the Council on Justice and Home Affairs have held several written and oral deliberations with the Dutch government regarding the European Commission's proposal to establish a European Human Rights Agency in Vienna. Through the instrument of parliamentary diplomacy, the Senate has on several occasions also informed national parliaments of the EU member states as well as the European Parliament of her major objections to this European proposal. Fortunately, the responses we have received made it clear that the Dutch Senate is not all on its own in its opposition against this new agency. Our main concerns are a duplication of the activities of already existing and well-functioning organisations, especially the Council of Europe. Secondly, the Senate believes the establishment of a European Human Rights Agency as currently proposed will create undesired new dividing lines on the European continent.

By means of this letter, I would first like to give you an update on the state of play. On March 7th a plenary debate was held in the Senate with the Dutch minister for Foreign Affairs and the Dutch minister for Government Reform on the proposal to create an European Human Rights Agency. Both Ministers promised the Senate that they will not only do their utmost to change the European Commission's proposal, but more important to not give their consent to the European proposal if certain conditions - requested by the Senate – are not met.

These conditions stipulated by the Senate and endorsed by the Dutch government for the approval of the European proposal are: the delimitation of the working field of the Fundamental Rights Agency to the EU Member States and possibly the candidate countries; strict limitation of the competences of the Agency to community law; the conclusion of an agreement with the Council of Europe regarding its involvement and the avoidance of duplications of activities before the eventual approval of the European proposal to establish the Fundamental Rights Agency and finally, the assurance that the current priorities of the

Monitoring Centre for racism and xenophobia (EUMC), namely fighting racism and xenophobia, will be respected.

During the March 7th debate a motion was tabled by the Senate which thereupon was adopted unanimously inviting the government not to approve the regulation establishing a European Union Agency for Fundamental Rights in its current state. For your information I have enclosed the English and French translations of this motion.

Furthermore, I would like to ask you as a colleague Speaker of Parliament to bring this matter under the specific attention of the committee(s) involved in your parliament.

We hope that you and your parliament will take our points of view into consideration and support the Dutch Senate in it's opinion regarding the European Human Rights Agency. May the instrument of parliamentary diplomacy prove to be efficient.

Sincerely yours,

Yvonne E.M.A. Timmerman-Buck
President of the Senate, States-General, the Netherlands

Session 2005-2006

22112 Proposals of the European Commission and European Member States

O **MOTION OF SENATOR DEES C.S.**

Proposed 7 march 2006

The Senate,

Having heard the deliberations,

Considering that the European Commission has presented on 30 June 2005 a proposal for a regulation establishing a European Union Agency for Fundamental Rights ;

Considering that the Council of Europe already has a well functioning system for the promotion and the protection of fundamental rights ;

Taking the view that this system should not be doubled but could be used to the advantage of the Union through the conclusion of an agreement on this issue between the Council of Europe and the EU ;

Considering that all EU Member States are also Member States of the Council of Europe, which already effectively guarantees on the intergovernmental level the promotion and the protection of fundamental rights ;

Taking the view that the proposal could neither stand the test of subsidiarity ;

Invites the Dutch government on the aforementioned considerations not to give its consent to the regulation in its current form ;

And passes on to the order of the day.

Dees
Russell
Jurgens
Platvoet
Kox
Engels
Van Middelkoop
Holdijk

Séance 2005-2006

22112 Propositions de la Commission Européenne et des pays membres de l'Union Européenne

O **MOTION DU SÉNATEUR DEES C.S.**
Proposé le 7 mars 2006

Le Sénat,

Ayant entendu les délibérations,

Considérant que la Commission Européenne a présenté le 30 juin 2005 une proposition pour une règlement portant création d'une Agence des droits fondamentaux ;

Considérant que le Conseil de l'Europe dispose déjà d'une système pour la promotion et la protection des droits fondamentaux qui fonctionne excellente ;

Étant d'avis que cette système ne devrait pas être doublée mais pourrait être mise à profit de l'UE avec une convention, à conclure sur ce sujet entre l'UE et le Conseil de l'Europe ;

Considérant que tous les pays membres de l'UE sont également des pays membres du Conseil de l'Europe, qui a déjà garanti au niveau intergouvernemental la promotion et la protection des droits fondamentaux ;

Étant d'avis que la proposition ne peut non plus résister à l'épreuve de la subsidiarité ;

Invite le gouvernement néerlandais, se basant sur les considérations ci-dessus, à priver le règlement tel qu'il est de son accord,

Et passe à l'ordre du jour.

Dees
Russell
Jurgens
Platvoet
Kox
Engels
Van Middelkoop
Holdijk