



COSAC Presidency

The Hague, 5 July 2005

Ref. 133043.2

Dear Sir,

On behalf of the Dutch Senate, the European Affairs Committee would like to convey its views on the proposed Fundamental Rights Agency (FRA). In light of the up and coming meeting of the COSAC chairpersons, the Committee believes it important and valuable that a debate be held during the COSAC in October on the FRA and, consequently, issues concerning the broader context.

As of December 2004, the FRA issue has been followed extensively by various committees in the Senate. The European Affairs Committee emphasises the broadly held opinion in the Senate, that a future FRA should not unnecessarily duplicate the work that has already been undertaken by other International Organisations, especially, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE). The Dutch Senate is concerned with the proposed geographical scope of a future FRA. A future FRA should be complementary to already existing structures, mechanisms and organisations to ensure an effective overall European policy towards fundamental rights.

Placing this in a broader context, the committee is of the opinion that during the COSAC meeting, special focus should be placed on the dangers of unnecessary duplication of work undertaken by European organisations and structures in general, but, at the same time, on risks of new potential dividing lines. In this light, the committee proposes that the subsidiarity principle, as generally applied by the European Union, should also be applied with regard to the activities that are carried out by the various International Organisations and their mutual relations.

The European Parliament has recently adopted a resolution in which the EP conveys its support for the European Commission's proposals regarding the FRA. Another Commission proposal concerning an Institutional Agreement on the operating framework for the European regulatory agencies (COM(2005)59) asserts that alternatives should be sought before establishing new (regulatory) agencies. However, this proposal notably makes no mention of possible overlapping activities with other organisations, as is a definite risk in the case of the FRA but also with newly established future organisations.

The European Affairs Committee, on behalf of the Dutch Senate, hopes to have informed you adequately. Should the meeting of the COSAC chairpersons decide to place the FRA on the agenda for the meeting in October, we are willing to contribute to this with a draft resolution.

Please accept our best wishes for an upcoming successful presidency,

With kind regards,

P.R.H.M. van der Linden

The chairman of the committee on European Cooperation Organisations,