

**HELLENIC REPUBLIC**  
**GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS**

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<p><b>The Conversion of the European Monitoring Centre on Racism and Xenophobia (EUMC) into the Fundamental Rights Agency</b></p>
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The NCHR adopted a resolution on the creation of the European Fundamental Rights Agency, after having actively participated in the debate that took place during the Public Hearing on the question held in Brussels on 25/1/2005, and in co-operation with the European Group of NHRI. The topics tackled were the following:

1. *The extent of the mandate of the Agency-to-be*: it is proposed that the Agency has a large thematic area of competence, covering all three pillars of the EU, in consistency with article II-111 of the future Constitution and extending beyond the issues falling within the European level *per se*; the national level of action should be included inasmuch as it would be necessary for the implementation of article 7 of the EU Treaty.

2. *The list of rights*: it is proposed that the competence of the Agency extends over the totality of rights included in the EU Charter of Fundamental Rights, while taking into account the “*acquis communautaire*” and maintaining emphasis on combating racism.

3. *Competence of control to third countries*: it is proposed that the Agency confines itself to the EU member States, including candidate countries, unless otherwise agreed with a particular country through a bilateral agreement; the geographical scope should cover 2<sup>nd</sup> Pillar activities in third countries.

4. *Competences/activities*: it is proposed that data collection is maintained, as well as the conduct of studies and analyses. These tasks

should be performed in co-operation with the CoE, the NHRIs of member States, the network of Independent Experts of the European Commission and the RAXEN network, so that overlapping of competences is avoided. The Agency should also have the ability to submit expert opinions and analyses to member States, and perform evaluations and follow-up on the above, and disseminate data, analyses and proposals to the civil society. The possibility and the power to intervene as *amicus curiae* before European jurisdictions, as well as the right to instigate public interest litigation before them, should also be examined.

5. *Structure/independence*: Independence should be ensured through maintaining the existing requirements for membership to the Managing Board of the EUMC, while adding representation of the European NHRI. No additional body should be created, beyond the Board, the Executive and the Director.

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