

DECISION OF THE DIRECTOR



[CAR/002/2012]

CODE OF CONDUCT FOR THE PARTICIPANTS OF THE FUNDAMENTAL RIGHTS PLATFORM

THE DIRECTOR OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

WITH THE INTENTION OF:

- Clarifying the relationship between, on the one hand, the participants of the '*Fundamental Rights Platform*' (the FRP) and, on the other, the FRA.

UNDERLINING

- That the FRP, consisting of civil society organisations based in one of the EU Member States and as defined by the Council Regulation¹ establishing a European Union Agency for Fundamental Rights (the FRA), is a '*mechanism for the exchange of information and pooling of knowledge*'², and a '*working method*'³; and it is not a body⁴ of the FRA.
- That therefore the participants of the FRP, including the members of the Advisory Panel of the FRP are excluded from acting or speaking on behalf of the FRA, and that the FRA cannot be held responsible for actions and expressions of the participants of the FRP,

RECALLING THE FACT THAT:

- The Council regulation defines the FRP as a '*cooperation network*' created for facilitating a '*structured and fruitful dialogue*' amongst the participants of the FRP and the FRA.⁵
- The Council regulation underlines that the FRP shall be open to all different branches of civil society and include '*all interested and qualified stakeholders*'.
- The Council regulation tasks the Agency to address the FRP participants '*in accordance with specific needs related to areas identified as a priority for the Agency's work*'.⁶

¹ See Article 10 of the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (the Founding Regulation), in OJ 2007 L 53, at. pp. 1-14.

² See Article 10 of the Founding Regulation.

³ See chapter 2 of the Founding Regulation.

⁴ See Article 11 of the Founding Regulation.

⁵ See Article 10 and consideration no. 19 of the Founding Regulation.

⁶ See Article 10 Para. 3 of the Founding Regulation.

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- The Council regulation puts the coordination of the FRP '*under the authority of the Director*' of the FRA.⁷

WHEREAS:

- The entry into force of the Lisbon treaty in December 2009 has provided the Charter of Fundamental Rights of the European Union (the Charter) with the '*same legal value*' as the European Union Treaties.⁸
- The Charter takes a clear stance vis-à-vis the '*abuse of rights*' when stating that '*Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein*'.⁹
- The Council regulation entrusts the FRA to become equally active in a very broad range of fundamental rights.¹⁰

HAS DECIDED,

based on the consultation with all participants of the FRP and the members of its Advisory Panel in 2011 and taking into account the comments of the members of the Advisory Panel in 2012 to adopt the following principles enshrining the common understanding of the participation in the FRP:

I. Participation in the FRP is open to civil society organisations that

1. are based in one of the EU Member States;
2. are unreservedly committed to respecting fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union and the European Convention of Human Rights and to working for their advancement, protection and promotion;
3. have specific expertise, proven experience and capacity with regard to the protection and promotion of these rights;
4. are committed to engage in a respectful and fruitful dialogue with the other participants in the Platform and to contribute to an overall efficient functioning of the FRP;
5. can demonstrate that their programme of work is of direct relevance to the work of FRA;
6. are representative in the field of their competence at the national, regional, European or international level;
7. have the ability and capacity to act as a link between their own constituencies, national and European networks and the Platform;
8. are able and willing to raise awareness of the fundamental rights issues

⁷ See Article 10 Para. 5 of the Founding Regulation.

⁸ See Article 6 Para. 1 of the Consolidated version of the Treaty on European Union, in OJ 2008 C 115, pp. 13-45.

⁹ See Article 54 of the Charter of Fundamental Rights of the European Union, in OJ 2007 C 303, pp. 1-16.

¹⁰ See Article 3 Para. 2 of the Founding Regulation. In the decision on the Multi-annual Framework the Council defines the thematic areas that the FRA has to focus on. See Council decision of 28 February 2008, in OJ 2008 L 63, pp. 14-15.

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- addressed by the FRA;
9. are able, for the sake of transparency, to provide the FRA on request with detailed information regarding their organizational structure and financial sources;

II. Conduct of participants in the FRP

10. All participants of the FRP commit themselves to respecting all Fundamental Rights as they are reflected in the Charter.
11. All participants of the FRP refrain from any conduct going against the fundamental rights of any person or group of persons, as are recognized by the Charter and the subsequent interpretations by the authoritative bodies.
12. All participants of the FRP refrain from any kind of conduct endangering the 'structured and fruitful dialogue' within the FRP, the respect for the dignity and the rights of other participants and the overall efficient functioning of the FRP.
13. All participants of the FRP refrain from any kind of illegal activity.

III. Participation in the FRP

14. Participation in the FRP commences after that the Director of the FRA has formally accepted the application of a given candidate to the FRP in the context of a call for participation. This decision will be taken by the Director based on a screening exercise by the FRA's internal services ensuring that all participants conform with the principles of participation outlined above. Moreover, the decision will take into account that the (old and new) FRP participants reflect a certain balance with regard to the thematic areas they focus on, the strands of civil society they represent and the Member States they are based in. If the Director expresses concern regarding an applicant organisation, he shall ask clarification as necessary. In the case that the written reply of the given participant does not settle the concerns of the Director, or the FRA does not receive any reply within 4 weeks, the Director can reject the application. This decision by the Director shall be taken after having consulted the Advisory Panel of the FRP.
15. The Director can decide to limit the maximum number of participants when the risk arises that the size of the Platform hampers its efficient functioning.
16. The term of participation in the FRP is for a period of 3 years. Participation is renewable; once the term ends, participants are free to resubmit an immediate application for participation for the following term. This can be done through a simple online application form.
17. Exceptionally, participation in the FRP can terminate earlier, if the Director of the FRA comes to the conclusion that a participant in the FRP is violating any of the points listed in this code of conduct. The termination shall take effect on the date on which a registered letter with acknowledgment of receipt is received by the participant.
18. Before the Director can decide to terminate the participation of a given

participant in the FRP, the Director shall send that participant a written formal notice detailing the concerns. In the case that the written reply of the given participant does not settle the concerns of the Director, or the FRA does not receive any reply within 4 weeks, the Director can terminate the participation of that FRP participant. This decision by the Director shall be taken after having consulted the Advisory Panel of the FRP.

Done in Vienna, on 22 June 2012

The Director

A handwritten signature in blue ink, appearing to read 'Wolfgang', with a long horizontal flourish extending to the right.