



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 22 December 2010**

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**FREMP 50  
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### **OUTCOME OF PROCEEDINGS**

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of: Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons  
on: 13 December 2010

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Subject: 1. Accession Agreement of the European Union to the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR)  
Negotiating process: De-briefing by the Commission on the 4th Working meeting of CDDH-UE.  
6-8 December 2010 - Brussels

2. Communication from the Commission  
Strategy for the effective implementation of the Charter of Fundamental Rights in the European Union

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The Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) held on 13 December 2010 its last meeting under the Belgian Presidency to discuss issues pertaining to the negotiating process concerning the Accession of the European Union to the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR) as well as the Communication by the Commission, "Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union".

With regard to the Negotiating process for the Accession of the European Union to the ECHR, the Commission representative reported on the 4th working meeting of the CDDH informal Working Group on the Accession of the European Union to the ECHR (CDDH-UE), which has taken place in Brussels on 6-8 December 2010. A meeting report prepared by the Council of Europe Secretariat had previously been circulated to delegations (CDDH-UE(2010)17).

The Commission representative indicated that the CDDH-UE discussed and made further progress on procedural issues pertaining to the co-respondent mechanism on the basis of the Council of Europe working document CDDH-UE (2010) 16 and proceeded to a first reading of the elements on Institutional and Financial issues (Chapter D of the draft list of issues) on the basis of the Council of Europe working document CDDH-UE (2010)15.

On the issues pertaining to the co-respondent mechanism, the Commission representative informed the Working Party that there was a provisional consensus with regard to its modalities in cases where the Court may invite a potential co-respondent and communicate the case to one or more Member States only or to the European Union only. Furthermore, there has been a provisional consensus on some elements of the co-respondent mechanism with regard to cases where the European Union considers that there is a substantive link between the alleged violation and a provision of Union law and it requests the Court to participate in the proceedings as a co-respondent. However, there has been no consensus on the criteria for the admission or rejection of such a request by the Court.

It was indicated that no full consensus has been reached yet regarding the situation, where an application concerning a single act has been directed against both a Member State and the European Union.

Further explanations were given by the Commission representative on the discussions of CDDH-UE concerning what should be included in the operative part of the Strasbourg Court's judgment and in general on the issue included under point 14 (distribution of competences between the European Union and its Member States) of the meeting's report, as well as on issues discussed under Chapter D of the provisional list of draft elements prepared by the Council of Europe Secretariat.

Finally, the Commission representative informed the Working Party that the next meetings of the CDDH-UE will take place on 25-28 January 2011 and on 15-18 March 2011.

With regard to the Communication from the Commission "Strategy for the effective implementation of the Charter", the Commission representative explained that the aim of this initiative is to examine how the Charter could be best taken into account in the course of the legislative procedure.

Delegations welcomed the document from the Commission services and wondered about the role to be played in this respect by the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) and by the European Union Agency for Fundamental Rights (FRA). The Working Party concluded that this issue should be examined in depth in the future.

The Chair, after proceeding to a short presentation of the outcome of the Fundamental Rights Conference "Ensuring Justice and Protection for all children", which took place in Brussels on 7-8 December 2010 and which was organized by the European Union Agency for Fundamental Rights, in co-operation with the Belgian Presidency, gave the floor to the incoming Hungarian Presidency's representative for a presentation of their priorities for the next six months.

The incoming Hungarian Presidency indicated that the Accession of the European Union to the ECHR will be a top priority for the Hungarian Presidency, followed by the Communication from the Commission on the strategy for the effective implementation of the Charter of Fundamental Rights by the European Union. This issue will be on the agenda of the informal JHA Council in January, while it was indicated that the Hungarian Presidency envisages adopting relevant Council conclusions in February. The Hungarian Presidency will also focus on the Annual Report on the application of the Charter of Fundamental Rights.

The next FREMP meeting will take place on 10 January 2011.

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