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FREMP 14
JAI 385
COHOM 111
COSCE 6

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Subject:	Draft Council Decision authorising the Commission to negotiate the Accession Agreement of the European Union to the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR)

Delegations will find attached the partially declassified version of the above-mentioned document.

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ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 May 2010

**9292/10
EXT 1 (17.01.2012)**

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NOTE

of :	Presidency
to :	delegations
No. prev. doc. :	8356/10 REV 1 FREMP 7 JAI 279 COHOM 74 RESTREINT UE
Subject :	Draft Council Decision authorising the Commission to negotiate the Accession Agreement of the European Union to the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR)

The "Friends of Presidency" Group met on 28 April 2010 in order to discuss the still pending issues with regard to the above mentioned file and in particular the co-respondent mechanism, the safeguarding of the intervention of the European Court of Justice when Union Law is at stake and the question of the negotiator, on the basis of a non-paper by the Commission, a paper by the Romanian delegation¹ and drafting proposals submitted by Germany and the United Kingdom.

The Presidency, based on the discussions in the Group, submits in the Annex a compromise proposal for Articles 3 and 5 of the draft Council decision, highlighted in bold. Comments by delegations in follow-up to the discussions in the meeting are set out in footnotes.

¹ Doc. 8756/10 FREMP 12 JAI 315 COHOM 97 COSCE 4 RESTREINT UE.

draft

COUNCIL DECISION

authorising [...] the negotiation of the Accession Agreement of the European Union to the European Convention for the protection of Human Rights and Fundamental Freedoms

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Art 6 TEU and Protocol N° 8 related thereto.

Having regard to the Recommendation from the Commission.

Whereas the European Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

HAS DECIDED AS FOLLOWS:

Article 1

The opening of negotiations on behalf of the European Union in order to agree with the Contracting Parties to the European Convention for the protection of Human Rights and Fundamental Freedoms to the accession of the European Union to that Convention is authorised.

Article 2

[The Commission is nominated as the Union negotiator.]¹

Article 3

The [Commission]² shall conduct the negotiations in consultation with the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons [...] as the special committee **appointed by the Council [...]** in accordance with Article 218 (4) TFEU .**The Commission shall report regularly to the special committee on the progress of the negotiations and shall forward all negotiating documents without delay to this special committee.**

Article 4

The negotiations shall be carried out in accordance with the negotiating directives set out in the Annex.

Article 5

NOT DECLASSIFIED

Article 6

This Decision enters into force upon its adoption.

¹

NOT DECLASSIFIED

²

The question of the negotiator is still pending. Consequently, delegations could agree with this drafting, pending resolution of this issue.

NOT DECLASSIFIED FROM THIS POINT UNTIL THE END OF THE DOCUMENT

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