



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 February 2014

6960/14

**FREMP 33
JAI 122**

OUTCOME OF PROCEEDINGS

from: Working Party on Fundamental Rights, Citizens' Rights and Free Movement of
Persons (FREMP)
on: 11-12 February 2014
Subject: Summary of discussions

1. Adoption of the agenda

The agenda as set out in CM 1375/14 was adopted.

2. Draft Council conclusions on the justice systems in the European Union

The Presidency presented draft conclusions as set out in 5813/14 FREMP 9 JAI 41 JUSTCIV 14
Delegations took note of two non-papers - DS 1061/14 and DS 1063/14.

Most delegations agreed with the idea of preparing Council conclusions on justice systems.

However, as regards the substance of these conclusions, the positions were more varied.

Some delegations considered that the exercise should be limited to the scope of the 2013 Justice Scoreboard and not go further than that. In that context, most delegations agreed to restrict the scope to civil and commercial matters only.

A group of delegations, even if not agreeing on methodology for preparing the 2013 Justice Scoreboard, could in principle support the idea behind evaluating national justice systems.

In the view of the Commission representative the draft text was not balanced enough and failed to reflect the European Semester context of the Justice Scoreboard. Several delegations supported the Commission in that sense.

Cooperation with the Council of Europe and exchange of best practices were ideas that most delegations could support.

One delegation proposed to link these conclusions to the Council conclusions of June 2013. Only a few delegations could support that proposal. Delegations were reluctant to mix rule of law and justice scoreboard.

Delegations made several suggestions to delete repetitive and overlapping parts of the draft conclusions.

For several delegations the reference to TFEU Article 70 mechanism was essential whereas other delegations proposed to delete that. Some delegations could also not support the references to SCHEVAL ad GENVAL evaluations considering these to be irrelevant in the Justice Scoreboard context.

A few delegations emphasised that even if supportive of evaluating national justice systems, they would not support a "ranking" of MSs justice systems.

Delegations were invited to submit their additional comments in writing. On that basis the Presidency would redraft the text and decide on follow-up.

3. Follow-up to the Council conclusions on the EU citizenship' report 2013

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions addressing the consequences of disenfranchisement of Union citizens exercising their right to free movement¹

5866/14 FREMP 10 JAI 44 PE 38 INST 70

Commission Recommendation of 29.1.2014 addressing the consequences of disenfranchisement of Union citizens exercising their right to free movement²

5867/14 FREMP 11 JAI 45 PE 39 INST 71

The Commission representative presented the communication and the recommendation on disenfranchisement and invited MSs to consider more flexible ways to avoid that citizens exercising their free movement rights lose electoral rights in their country of origin. In particular, COM objected to the automaticity of disenfranchisement in some MSs. This concerns in particular 5 countries, as listed in the communication. In COM view this constitutes an obstacle to the free movement of persons.

Several countries were rather negative about the COM initiative, quoting constitutional safeguards and stating that this was a matter for national competence.

4. Commission report on combating certain forms and expressions of racism and xenophobia by means of criminal law

- Presentation by the Commission and exchange of views

5784/14 FREMP 8 DROIPEN 10 COPEN 29 JAI 39 SOC 51 RAXEN 1+ ADD 1

¹ COM(2014) 33 final

² COM(2014)391 final

The Commission representative presented Commission's report on the implementation of Council Framework Decision 2008/2013.

Several MSs criticized the content of the report considering that COM had taken a very legalistic approach to transposition and had ignored where the objective had in fact been captured by national law.

The Commission explained that before 1 December 2014 it intended to have bilateral consultations on this with all Member States and these bilateral meetings would provide an opportunity to clarify individual points of discussion. All Member States would be contacted to that effect.

14.30

5. Violence against women

- a) Presentation of the general framework
 - Presentation by the Commission

The Commission representative gave an overview of measures at international and European level to eliminate violence against women. Delegations were also informed about funding programs in this field and also about problems related to data collection .

b) Towards the elimination of female genital mutilation -

Communication from the Commission to the European Parliament and the Council

17228/13 FREMP 203 SOC 1009 DROIPEN 154 COHOM 270

The Commission representative presented Commission's communication 'Towards the elimination of female genital mutilation' (FGM). Delegations took note of the gravity and geographic prevalence of FGM in the EU and third countries, of the EU campaign "zero tolerance to FGM" and of the existing and possible measures to protect women.

Member States welcomed discussions on this difficult and sensitive topic. Some Member States presented their national measures taken in order to facilitate data collection, identify victims and girls at risk and to raise awareness.

c) Violence against women - victim support

- Presentation by the representative of EIGE

The EIGE representative presented findings of studies conducted by EIGE on violence against women. In particular, EIGE stressed that the support offered to victims varies strongly across the EU and that further actions in close cooperation with EU, MSs and NGOs are indispensable.

d) FRA/Presidency conference on violence against women 5 March, Brussels

1) Information from the Presidency

The Presidency informed delegations about a conference to be held on 5 March 2014 organized jointly by the Presidency and FRA on violence against women across the EU. Delegations took also note of Presidency's plans to discuss in FREMP draft Council conclusions on this topic.

2) Results of the survey of FRA on gender-based violence against women

- Presentation by the representative of FRA

The FRA representative presented main findings of a survey on violence against women in the EU. Delegations took note of data collected and analyzed by FRA, the methodology of the survey and EU measures to protect women.

6. Other business

a) Conference on rule of law

Attention of delegations was drawn to a conference organised by the University of Innsbruck on the topic of rule of law. Additional information would be sent via e-mail.

b) FRA opinions

The Presidency drew the attention of delegations to the contribution by the Legal Service on the procedure to ask for the opinions of the EU Agency for Fundamental Rights as set out in 6073/14.
