



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 31 March 2014

8318/14

**FREMP 53
JAI 200
COHOM 50**

NOTE

from: Presidency

to: Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP)

Subject: Consistency between internal and external aspects of human rights protection and promotion in the EU
- Presidency discussion paper

I. INTRODUCTION

1. On 21 November 2013 FREMP discussed coherence between the internal and external dimensions of the EU human rights policy on the basis of a discussion paper prepared by the Lithuanian Presidency.¹ On that occasion representatives of the Council of Europe, of the EU Agency for Fundamental Rights and the alternate Chair of COHOM were invited to give their views.
2. The outcome of these discussions is set out in 17049/13. It was agreed that the next Presidency would follow up that discussion.

¹ 15964/13FREMP 178 JAI 985 COHOM 247

II. DISCUSSIONS DURING THE HELLENIC PRESIDENCY

3. At the FREMP meeting on 15 January 2014 the Hellenic Presidency organized an exchange of views with Mr. Lambrinidis, the EU Special Representative for Human Rights, who made a presentation about the challenges that the EU is facing in its human rights policy, both internal and external. The outcome of that meeting is set out in 5886/14.
4. In addition, the Chair of FREMP participated in the informal meeting of COHOM in Athens on 14 March 2014. At that meeting the importance of internal-external consistency was reiterated and ways to enhance FREMP-COHOM cooperation were explored.
5. The Presidency notes that in the discussions most delegations have recognised that the credibility of the Union in its external relations depends on its internal human rights standards and their effective implementation. For this reason consistency is a topic that deserves further attention.
6. In an effort to take discussions forward the Hellenic Presidency invites delegations to exchange views on the following points:

a) Ways to better present vis-à-vis third partners the high standards of human rights protection ensured by the EU and its MSs

In external relations there appears to be a need to refer to internal standards of protection which can be further applied to the external sphere. This also relates to the need to better explain the cumulative effect of ECHR, the EU Charter and the EU Treaties, which ensure a comprehensive and far-reaching system of protection of human rights in the EU.

At the same time, internal standards of human rights protection need to be implemented in full respect of the allocation of powers between the EU and its MSs, and of the principles of subsidiarity and proportionality: the EU Charter complements and does not replace existing national systems for the protection of fundamental rights.

b) Ways to better present vis-à-vis third partners the on-going and future actions of the Council in relation to the protection and the promotion of human rights and on ways to better organise Council action in this field

Possible avenues:

- Thematic guidelines on specific issues.
- Mapping of ongoing Council actions and their results in relation to the rights and the principles provided for in the Charter (legislative/non-legislative actions) (see doc.10139/1//11 REV 1).
- EU fundamental rights policy cycle: building on the Commission's annual report on the application of the Charter (possibly also on FRA's annual report). This could involve annual assessment of previous year's actions and setting priorities for the next year.
- EU internal strategy/action plan: comprehensive paper on on-going and future initiatives/ objectives/priorities on a mid-term basis.

c) Possible role of FREMP

Possible avenues:

- better coordination with COHOM, notably through regular exchange of information and joint meetings on specific issues.
- referral of questions by other Council working groups as to the compatibility with the Charter (see guidelines on methodological steps, doc. 10140/11, also doc. 6387/11, para 17).
- prepare Council conclusions on ongoing and future Council initiatives (see above under b)).

II. CONCLUSIONS

7. Delegations are invited to discuss these points at the FREMP meeting on 9 April 2014. The Presidency intends to consider the outcome of these discussions when drafting the annual Council conclusions on the application of the Charter.
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