



Council of the
European Union

Brussels, 3 June 2015

**8915/12
EXT 2**

**FREMP 63
JAI 267
COSCE 11
COHOM 83**

PARTIAL DECLASSIFICATION

of document: **8915/12 RESTREINT UE/EU RESTRICTED**

dated: 18 April 2012

new status: Public

Subject: Accession of the European Union to the European Convention for
the protection of human rights and fundamental freedoms (ECHR):
= Exchange of views/Certain issues

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



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 April 2012

**8915/12
EXT 2 (29.05.2015)**

**FREMP 63
JAI 267
COSCE 11
COHOM 83**

NOTE

from: Presidency
to: Council
nr prev. doc.: 10817 /10 FREMP 27 JAI 523 COHOM 153 COSCE 17 RESTREINT UE
Subject: Accession of the European Union to the European Convention for the
protection of human rights and fundamental freedoms (ECHR):
= Exchange of views/Certain issues

1. Following the adoption by the Council on 4 June 2010 of a negotiating mandate and directives ¹, the Commission has conducted technical negotiations on behalf of the Union with a group (“CDDH-UE”) of 14 experts, selected in their individual capacity (7 from EU Member States, 7 from non-EU States), which has been appointed by the Steering Committee on Human Rights of the Council of Europe (“CDDH”) to elaborate a draft accession agreement.

¹ Doc. 10817/10 RESTREINT UE

2. Throughout this process, the Commission has regularly consulted the Working Party on fundamental rights, citizens' rights and free movement of persons ("FREMP"), which had been appointed as the special committee in accordance with Article 218 (4) TFEU.
3. In June 2011 CDDH-UE finalized the draft of the accession agreement and submitted it to the consideration of the High Contracting Parties to the ECHR and of the Union.
4. **NOT DECLASSIFIED**
5. Meanwhile, discussions have resumed in FREMP in order to identify possible technical solutions to accommodate the concerns of the delegations which have expressed reservations on the draft accession agreement. Under the Polish Presidency of the Council, meetings have been held on 25 October, 3 November, 14-15 November, 29 November 2011. Work has continued under the current Presidency with meetings held respectively on 19 January, 16 February and 19 March 2012.

6. **NOT DECLASSIFIED**

7. FREMP has dealt with these issues at technical level and has identified possible compromise solutions. In Annex I to this note delegations will find the text of the draft accession agreement and of relevant passages of the explanatory report as presented by CDDH-EU including, in the form of amendments, possible wording proposals drafted in accordance with the positions expressed by delegations in FREMP. Concerning Article 7 (2) of the draft accession agreement on the voting rights in the Committee of Ministers, these suggestions are set out as alternative possibilities. The resulting modifications to the draft agreement are highlighted by underlining and (...).

8. **NOT DECLASSIFIED**

NOT DECLASSIFIED

13. In this respect, it must also be recalled that the internal rules, as well as the decisions authorising the signature and conclusion of the accession agreement, will have to be adopted by the Council acting unanimously (see Article 218 (8) TFEU). Furthermore, the decision concluding the agreement will have to be ratified by all Member States in accordance with their constitutional requirements. The Treaties, therefore, provide for a safeguard for the Member States with respect to the entire legal framework concerning the EU accession to the ECHR, including any internal rules to be adopted as a consequence of this.

14. **NOT DECLASSIFIED**

15. **In light of the above, the Council is invited to:**
- a. **exchange political views on the basis of the discussions in FREMP and COREPER;**
 - b. **take note of the result of discussions in FREMP and COREPER.**

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