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## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
On: 12 and 13 June 2018  
To: Delegations

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

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### 1. 2017 Report on the Application of the EU Charter of Fundamental Rights

#### ST 9542/18

- presentation by the Commission and exchange of views

The Commission presented its 8th report on the application of the Charter in 2017, adopted on 4 June. The presentation focused on 4 topics: racism and discrimination, social rights, women's rights and civil society. The Commission announced the Annual Colloquium in 2018 will focus on democracy.

Some delegations took the floor to comment on the report: most of them insisted on the importance of the protection of fundamental rights and of the Commission work with this report, but also on the necessity for citizens to be aware of the Charter. Some delegations voiced criticism on the way the Commission reported on the application of the Charter in their respective countries, insisting on the importance of treating all delegations on an equal footing.

## **2. Annual report of the EU Agency for Fundamental Rights**

**ST 9557/18**

- presentation by FRA and exchange of views

FRA Director M. O'Flaherty presented the FRA Annual Report. It was stressed that the Charter is an important but underused instrument, as there are too few references to it in national courts, inter alia. Therefore, the Director stressed the need to better promote the Charter, inter alia, through more transnational initiatives. FRA will continue to invest in promoting the understanding of the Charter, as it will publish in 2018 a manual on the use of the Charter, and invest on capacity building. The focus chapter of the FRA Annual Report is on ageing: a topic which needs more attention, as the demography in EU is shifting.

More than half of the delegations intervened to thank and congratulate FRA on the report, most welcomed the focus chapter on ageing, some shared good practices, and added some comments, sometimes critical, on references to the situation in respective Member States.

Presidency informed delegations that both reports (8th report on the application of the Charter in 2017 and FRA Annual Report) would be followed by Council Conclusions to be prepared under the Austrian Presidency.

## **3. Presidency non-paper containing the elements for a Code of Conduct laying down the arrangements regarding the exercise of rights and obligations of the European Union and Member States**

**WK 11626/2/17/ REV 6**

- endorsement of the Presidency compromise proposal

Presidency presented to delegations the REV6 of the Code of Conduct.

Some delegations still could not endorse points 3 and 4 and one delegation the whole Code of Conduct. The majority, however, fully supported the REV6.

Presidency will distribute REV7 before the end of June, taking into account comments from delegations and Commission. Then, the Austrian Presidency will decide whether to have another discussion in FREMP or to directly ask Coreper to endorse the text.

#### **4. European Commission package of measures to strengthen whistleblower protection as a means to unveil unlawful activities and help enforce EU law**

- a) Communication on strengthening whistleblower protection at EU level

ST 8725/18

- presentation by the Commission

- b) Proposal for a Directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law

ST 8713/18, ST 8713/18 ADD1, ST 8713/18 ADD2, ST 8713/18 ADD3

- Presentation by the Commission and first exchange of views

The Commission presented its proposal concerning the protection of whistleblowers on breaches of EU law and the accompanying Communication "Strengthening whistleblower protection at EU level".

The Working Party held a general first exchange of views on the proposal. The proposal received overall support from a large number of delegations. In general, delegations considered that the proposal was well balanced. During the exchange of views, delegations raised a number of issues which would need detailed discussions. Some of the issues raised concerned the interaction of the mechanisms foreseen in the Directive with existing provisions on the protection of whistleblowers at EU and national level, the personal scope, the articulation in practice of internal/external/public media channels and the administrative burden for small companies.

The Working Party will continue with the examination of this proposal at its meeting on 12/13 July 2018.

## 5. AOB

### **FREMP priorities during the incoming Austrian Presidency - information from the incoming Austrian Presidency**

The incoming Austrian Presidency presented its priorities for the work of FREMP in the second half of 2018, including EU accession to the Istanbul Convention, EU accession to the ECHR, Council conclusions on the application of the EU Charter of Fundamental Rights, and protection of whistleblowers.

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