



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 September 2011

**10602/10
EXT 3**

**FREMP 26
JAI 512
COHOM 146
COSCE 16**

PARTIAL DECLASSIFICATION

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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.



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 June 2010

**10602/10
EXT 3 (22.09.2011)**

**FREMP 26
JAI 512
COHOM 146
COSCE 16**

NOTE

from : Presidency
to : Council
No. prev. doc. : 10408/10 FREMP 23 JAI 499 COHOM 139 COSCE 13 RESTREINT UE
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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)

I. INTRODUCTION

With the entry into force of the Lisbon Treaty, the legal basis (Article 6 TEU) to initiate negotiations in view of the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter the "Convention") has been provided.

On 17 December 2009, the Swedish Presidency consulted the delegations of the Member States with a view to opening, under the Spanish Presidency, the preparatory phase of the discussions on the accession of the European Union to the Convention.

In view of the submission to the Council of the Recommendation from the Commission to the Council for a Council Decision authorising the Commission to negotiate the accession agreement of the European Union to the Convention and aiming at the facilitation of the preparation of the Recommendation by the Commission, the Spanish Presidency proceeded to exploratory discussions, during three meetings of the Justice and Home affairs Counsellors (on 7.1.2010, 28.1.2010 and 15.2.2010).

On 7.2.2010 COREPER decided to allow participation -as an observer- of a delegate of the Court of Justice of the European Union in the meetings of the preparatory bodies of the Council.

On 11.2.2010 the Spanish Presidency consulted CATS on this file, while COREPER and Council took note of the state of play of the preparatory phase respectively on 18.2.2010 and 25/26.2.2010 as well as on 26.2.2010. On this occasion, the Council urged for a speedy conclusion of the negotiations on the above mentioned Recommendation.

The Recommendation from the Commission to the Council for a Council Decision authorising the Commission to negotiate the accession agreement of the European Union to the Convention was submitted to the Council on 17 March 2010¹.

The Working Party on Fundamental Rights, Citizens Rights and Fundamental Freedoms (FREMP) was assigned with the examination of the Recommendation. The Recommendation was discussed during seven meetings at Working Party level (on 22.3.2010, 30.3.2010, 7.4.2010, 28.4.2010, 6.5.2010, 19.5.2010, 25.5.2010) while the file was brought to the consideration of CATS on 12/13.4.2010 and of COREPER and COUNCIL, respectively on 14.4.2010 and 23.4.2010.

COREPER examined this file again on 27.5.2010 and lastly on 2.6.2010. The text of the draft Council Decision as well as of the negotiating directives as they arose from these discussions in COREPER are set out in Annexes I and II to this Note. The draft Council declarations to be inserted in the minutes of the Council are set out in Annex III to this Note.

¹ Doc. 7668/10 FREMP 5 JAI 227 COHOM 74 RESTREINT UE

II. RESERVATIONS

UK lodged a general scrutiny reservation on the file. Other delegations entered scrutiny reservations and parliamentary reservations.

III. CONCLUSION

Council is requested

- to adopt the Council Decision and the negotiating directives as set out in Annexes I and II to this Note and
 - to insert the declarations as set out in Annex III to this Note, in the minutes of its session
-

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

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 (hereafter " the Convention") to the accession of the European Union to that Convention is authorised.

Article 2

The Commission is nominated as the Union negotiator.

Article 3

The Commission 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.

Article 7

This Decision is addressed to the Commission.

NOT DECLASSIFIED FROM THIS POINT UNTIL PAGE 11

NOT DECLASSIFIED

**Draft Council declaration with regard to the financial implications of the accession, to be
inserted in the minutes of the Council**

The Council invites the Commission to provide information on the possible budgetary implications of the accession.
