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NOTE

From:	Presidency
To:	Delegations
Subject:	Council conclusions on the application of the Charter on Fundamental Rights in 2014

I. INTRODUCTION

1. The Council welcomes the 2014 Commission report on the application of the EU Charter of Fundamental Rights (further referred to as the Charter)¹ which identifies how the European Union and its Member States gave effect to the Charter in 2014.
2. The Council also welcomes the 2014 annual report of the EU Agency for Fundamental Rights (further referred to as the Agency),² highlighting fundamental rights challenges and achievements from the perspective of the Agency in 2014.

¹ 8707/15 + ADD 1

² 8988/15

II. THE CHARTER

3. Marking that five years have passed since the Charter became legally binding, the Council notes its steady gain of legal importance as evidenced by increasing case law both at national and EU level. The Council highlights the relevance of the Charter and underlines the continued need to regularly and systematically analyse the application of the Charter as the basic legal instrument for fundamental rights in the EU. The Council renews its commitment to annual debates following each Commission report on the application of the Charter.
4. The Council recalls that in 2014 it updated its guidelines³ on methodological steps to be taken to check fundamental rights compatibility at the Council preparatory bodies, organised training activities to promote the use of these guidelines and notes that this should be accompanied by further training and awareness-raising activities in order to enhance the protection of fundamental rights at all levels of Council work.
5. The Council recalls the international conference organised by the Latvian Presidency on 28-29 April 2015 in Riga on the role of the Charter in the legislative process of the EU and its application in the European Union's case law with a special focus on the impact of the Charter on the area of freedom, security and justice.
6. The Council notes the Commission plans to launch annual colloquiums on the state of play of fundamental rights in the Union, including the first edition of this initiative in October 2015 on tolerance and respect: preventing and combating anti-Semitic and anti-Muslim hatred.
7. Having regards to the obligation to respect fundamental rights under the Charter the Council welcomes the Commission announcement to adopt measures to increase awareness of the Charter among the Member States when managing European Structural and Investment Funds (ESI funds).

³ 5377/15

a) Racism and xenophobia

8. The Council expresses concerns at the growing incidence of racist and xenophobic acts throughout the EU and deplores this trend.
9. The Council recalls that promoting inclusive tolerance and values of diversity combined with raising awareness of fundamental rights of all remain the best guarantee against the rise of racism and xenophobia.
10. The Council invites Member States to fully implement the Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

b) Digital economy

11. The Council shares the concerns of the Commission about the effective protection of fundamental rights in the digital environment.
12. The protection of personal data, as guaranteed by Article 8 of the Charter is of key importance and will be enhanced with the adoption of the data protection reform package that is being negotiated.
13. The Council also notes with interest the adoption of the Digital Single Market Strategy for Europe by the Commission on 6 May 2015.⁴

c) Consistency between internal and external policies

14. The Council recalls its conclusions of 5 and 6 June 2014, in particular on the consistency between internal and external aspects of human rights' protection and promotion in the European Union and welcomes information exchange between FREMP and COHOM working parties of the Council.

⁴ COM (2015) 192 final

III. EU ACCESSION TO ECHR

15. The Council agrees with the Commission that accession to the ECHR remains of paramount importance and will strengthen fundamental values, improve the effectiveness of EU law and enhance the coherence of fundamental rights protection in Europe.
16. The Council reaffirms its strong commitment to the accession of the EU to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and invites the Commission as the EU negotiator to bring forward its analysis of the way forward.

IV. 2014 REPORT OF FRA

17. The 2014 report of the Agency highlights many challenges to fundamental rights protection within the European Union, in particular as regards victims' rights, situation of migrants in the EU and rights of the child.

a) Victims Directive

18. The Council recalls that the deadline for transposition of the Victims Directive (2012/29/EU) is 15 November 2015 and encourages all Member States to have the legislative and policy measures in place to ensure the full implementation of that Directive.

b) Asylum and migration

19. The Council emphasises the importance of complying with fundamental rights in the EU asylum and migration policy at all stages, starting with the arrival of migrants in the EU through to return and migrant integration and takes note of the European Agenda on Migration in that context.⁵

⁵ COM(2015) 240 final.

c) Rights of the Child

20. The Council welcomes research projects on the subject of children's rights undertaken by FRA⁶ and recalls its conclusions of 4-5 December 2014 on the promotion and protection of the rights of the child.⁷ [As follow-up to these conclusions, on 8 June 2015 the FREMP and COHOM working parties of the Council held a debate on child protection systems as follow-up to the 9th European Forum on the Rights of the Child which took place in Brussels on 3-4 June 2015.]

d) The Agency and the Charter

21. The Council underlines the essential role of the Agency in raising awareness of the Charter rights, its scope and about where to turn to concerning fundamental rights issues. Practical toolkits such as the Charterpedia application and the CLARITY project are to be welcomed and further developed.

e) Fundamental Rights indicators

22. The Council reiterates that the data collected by the Agency on specific thematic topics and its opinions given in accordance with its mandate remain an important tool for the EU institutions and its Member States in matters of implementation of EU law.
23. The Council takes note of the analysis of the Agency how a rights-based indicator network could support policy evaluation and design, thereby enhancing EU's fundamental rights culture in practice.

V. CONCLUSION

24. FREMP is invited to discuss these conclusions at its meeting on 27 May 2015.

⁶ i.a. Children and justice; Guardianship for child victims of trafficking
⁷ 17016/14