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LIMITE

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FREMP 210

## NOTE

From:	Presidency
To:	Permanent Representatives Committee
Subject:	Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) <ul style="list-style-type: none"><li>• Acts falling under the CFSP area “Basket 4” – guidelines for further work and way forward</li></ul>

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (09.03.2023)**

## I. INTRODUCTION

1. Pursuant to Article 6(2) TEU, the Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This will take the form of an agreement between the EU and the Contracting Parties to the Convention in accordance with Article 218(6) and (8) TFEU (unanimity at Council and the European Parliament’s consent, and approval by the Member States in accordance with their respective constitutional requirements).
2. In the wake of negotiations that had started in July 2010, the Council of Europe’s CDDH ad hoc negotiation group on the accession of the EU to the ECHR (now<sup>1</sup> ‘46+1 group’) had reached a provisional accord on the draft agreement in April 2013. Following a request by the Commission, the Court of Justice issued its Opinion 2/13, on 18 December 2014, whereby it held that the draft accession agreement was not fully compatible with the EU law<sup>2</sup>.

<sup>1</sup> Following the exclusion of the Russian Federation from the Council of Europe on 16 March 2022.

<sup>2</sup> Opinion 2/13 of 18 December 2014, Accession of the EU to the ECHR, EU:C:2014:2454.

3. On 7 October 2019, the Council expressed its commitment to the swift resumption of the negotiations and adopted supplementary negotiating directives<sup>3</sup>, in order to address the concerns raised by the Court of Justice in its Opinion 2/13. The negotiations of the ad hoc 46+1 group resumed in June 2020.

## **II. PROGRESS ACHIEVED AND OUTSTANDING ISSUES**

4. Since the reopening of the negotiations, ten meetings of the ad hoc 46+1 group have taken place, focusing on the four ‘baskets’ of issues which need to be addressed.

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<sup>3</sup> 12585/19 RESTREINT UE/EU RESTRICTED.