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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations

Subject: Council Conclusions on the application of the EU Charter of Fundamental Rights: funding to promote, protect and enforce fundamental rights
- Council Conclusions (7 March 2025)

Delegations will find in the annex the Council Conclusions on the application of the EU Charter of Fundamental Rights: funding to promote, protect and enforce fundamental rights, approved by the Council at its 4082nd meeting held on 7 March 2025.

Council Conclusions on the application of the EU Charter of Fundamental Rights:

Funding to promote, protect and enforce fundamental rights

Preamble

The Council of the European Union,

- a. **Recalling** Article 2 of the Treaty on European Union (hereinafter ‘TEU’), whereby the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, which are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;
- b. **Recalling** the indivisible and universal values of human dignity, freedom, equality and solidarity enshrined in the Charter of Fundamental Rights of the European Union (hereinafter ‘Charter’), solemnly proclaimed 25 years ago in December 2000, and the Member States’ obligation to guarantee the rights and freedoms enshrined therein when they are implementing Union law, in accordance with Article 51 of the Charter;
- c. **Recalling** Article 6, paragraph 1 TEU, whereby the Union recognises the rights, freedoms and principles set out in the Charter which has the same legal value as the Treaties;
- d. **Recalling** Article 8 of the Treaty on the Functioning of the European Union (hereinafter ‘TFEU’), whereby the Union shall aim to eliminate inequalities, and to promote equality between men and women in all its activities, and Article 10 TFEU, whereby the Union shall aim to combat discrimination in defining and implementing its policies and activities;
- e. **Emphasising** that, especially in light of changes in society, social progress and scientific and technological developments, it is necessary to strengthen promotion and protection of the values and rights enshrined in Article 2 TEU and in the Charter, and to ensure the Charter is properly applied;

- f. **Underlining** that, as the activities that contribute to promoting and protecting fundamental rights are commonly of a non-commercial nature, they require funding mechanisms, and that establishing, developing, maintaining, and monitoring such mechanisms remains an important commitment of the Union;
- g. **Emphasising** that ensuring adequate and transparent financing for civil society organisations (hereinafter ‘CSOs’) and human rights defenders – who remain an essential element of the system of checks and balances, as well as contribute to the promotion and protection of Union values, including the rule of law – is crucial to building and maintaining a society in which Union values prevail;
- h. **Recalling** the Union’s commitment to support democracy, the rule of law and fundamental rights worldwide through various external action funding instruments, including the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI – Global Europe), as well as noting the considerable role of funding issued by the European Union in the field of human rights;
- i. **Reiterating** the importance of finalising the Union’s accession to the European Convention on Human Rights, in accordance with Article 6, paragraph 2 TEU, to enhance coherence and consistency in the protection of fundamental rights and further strengthen fundamental rights protection in Europe;
- j. **Deploring** the continuous and widespread gross human rights violations occurring worldwide, such of those following Russia’s invasion and subsequent war of aggression against Ukraine, the third anniversary of which is a grave reminder that fundamental rights and freedoms should not be taken for granted, and that protecting them is a shared responsibility of Member States, Union institutions and other international actors concerned;
- k. **Welcoming** the Commission’s ‘2024 Annual Report on the Application of the EU Charter of Fundamental Rights: Funding to promote, protect and enforce fundamental rights’ (hereinafter ‘2024 Charter Report’), which provides an overview of the developments in the field of fundamental rights funding;

1. **Welcoming** the significant contributions of the European Union Agency for Fundamental Rights (hereinafter ‘FRA’), which entail, *inter alia*, providing valuable expertise and studies on the Charter, such as the recent report on ‘EU Funds: Ensuring Compliance with Fundamental Rights’. Examples of other important undertakings by FRA in that area include promoting awareness about the Charter through multi-lingual training tools, such as Charterpedia and specific training modules, and co-organising, together with the Commission, the annual CharterXchange.

Funding to promote, protect and enforce fundamental rights

The Council of the European Union renews its commitment to the continuous application of the Charter and, without pre-empting the future negotiations on the next Multiannual Financial Framework (hereinafter ‘MFF’), approves the following conclusions.

The Council of the European Union,

1. **Stresses** the paramount importance and mutually strengthening role of different funding sources contributing to the promotion, protection and enforcement of fundamental rights; this includes funds provided and disbursed by the Union, Member States, private donors and international organisations.
2. **Recognises** the central role of CSOs and human rights defenders in the application of the Union’s fundamental rights policies in Member States, as well as the importance of the existing Union funding for their activities. Equally, the Council recognises the important role of the current Union programmes financing relevant activities of national, regional and local authorities in this field, as well as programmes that strengthen and improve justice systems and contribute to the training of justice practitioners.
3. **Stresses** the Commission’s strengthened focus on fostering Union values and fundamental rights, which, in relation to funding and in the context of the 2021-2027 MFF, includes having substantially increased the budget of the Citizens, Equality, Rights and Values (CERV) Programme.

4. **Recognises** that, based on the Financial Regulation, when implementing Union funding and the EU budget, Member States and the Commission have the responsibility to ensure compliance with the Charter in accordance with its Article 51, and to respect the Union values enshrined in Article 2 TEU that are relevant in the implementation of the budget.
5. **Recognises** the importance of ensuring that Union values and the Charter are effectively applied and respected in practice, and that the financial interests of the Union are safeguarded. In this regard, the Council reiterates that there is a clear link between the respect for the rule of law and the Charter on the one hand, and Union funding on the other hand.
6. **Stresses** the crucial role of the Common Provisions Regulation (CPR), Article 9 of which requires that Member States and the Commission ensure respect for fundamental rights and compliance with the Charter in the implementation of the funds covered by the CPR, in particular to prevent any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and that they promote accessibility for persons with disabilities and integrate gender perspective in the preparation, implementation, monitoring, reporting and evaluation of programmes. Furthermore, in accordance with the horizontal enabling condition on the effective application and implementation of the Charter (Charter HEC) set out in Annex III of the CPR, Member States are required to set up effective mechanisms to ensure compliance with the Charter at all stages of programming and implementation in order to have the expenditure borne on account of these funds reimbursed.
7. **Recognises** the importance and achievements of specific Union funding programmes, especially the CERV Programme, which is the largest Union fund dedicated to promoting the Union's founding values and fundamental rights within the EU, reinforcing a Union of Equality, Justice, Rights and Values. The programme has been a paramount source of direct funding for a broad range of actors, in particular CSOs, including organisations active at national, regional, local and grassroots level.

8. **Commends** the wide range of thematic areas in which Union funding has contributed to protecting and enforcing the fundamental rights enshrined in the Charter. The variety of areas covered reflects the continuous need to mainstream fundamental rights into different policy sectors and directly translates into addressing particular needs. By way of example, the dedicated support includes the continued raising of fundamental rights awareness and capacity building (CERV Programme), providing training to justice practitioners and ensuring effective access to justice, including through digital means (Justice Programme), creating secure and safe online environments and targeting disinformation (Digital Europe Programme) and contributing to media freedom, artistic freedom and pluralism (Creative Europe). Protection and promotion of fundamental rights is also supported through the Recovery and Resilience Facility and the Technical Support Instrument.
9. **Recognises** that, despite considerable funding made available by the EU, the Member States and other donors, the need for funding exceeds the funding made available.
10. **Underlines** the importance of the authorities responsible for programming and implementing the funds having the necessary expertise to ensure compliance with the Charter. It is also key for the beneficiaries of the funds to have a comprehensive understanding of the procedures and requirements to be met.
11. **Recognises** the importance of Member State funding for the practical implementation and application of fundamental rights obligations, through which fundamental rights protection can be ensured in all policy areas, including at the regional and local levels, alongside complementary EU funding. In many instances, the state budget is the main source of financing for National Human Rights Institutions (hereinafter ‘NHRIs’), equality bodies and ombudspersons, whose paramount role in the promotion and protection of fundamental rights cannot be overstated. Moreover, in addition to EU funding, national funding is often the main source of financing for CSOs.

12. **Supports** the Court of Auditors, the European Anti-Fraud Office ('OLAF') and the European Public Prosecutor's Office ('EPPO') in the roles they play within their respective mandates in carrying out audits and investigations into irregularities or crimes affecting the financial interests of the Union, which may include instances of misuse of funds dedicated to the promotion, protection and enforcement of fundamental rights.

The Council of the European Union invites Member States to:

13. **Nominate and facilitate** the work of national Charter focal points, who, pursuant to the Commission's 'Strategy to strengthen the application of the Charter of Fundamental Rights in the EU', are tasked with optimising the flow of information and best practice on the Charter, and coordinating capacity building efforts in the Member States. The Council observes that their appointment and activities are key to the coherent application of the Charter. It also takes note of the CERV National Contact Points appointed to disseminate information and enhance the visibility and accessibility of the CERV Programme, and calls on the Member States to facilitate cooperation between these two roles.

14. **Provide, within the framework of national budgetary processes,** the availability of and equal access to national core and project funding for CSOs, human rights defenders and other actors safeguarding and promoting the application of fundamental rights in the Member States. To enhance the effectiveness of such funding, it is paramount that national authorities are transparent about the available financing, the funding calls are publicised and easily accessible, and the allocation of the funding is carried out in an independent and transparent manner.

15. **Provide** sufficient and stable funding for those activities of governmental, regional and local authorities that facilitate implementation and application of the Charter and support the promotion, protection and enforcement of fundamental rights at all levels of government.
16. **Provide, in line with the national budgetary framework**, adequate funding for NHRIs, equality bodies and ombudspersons, reflecting their mandates under EU law, as well as the scale and range of current challenges in the area of fundamental rights protection. By providing high-level expertise on fundamental rights, monitoring the application of the Charter, ensuring support for victims of fundamental rights violations and for persons in vulnerable situations, cooperating with national institutions and raising awareness of fundamental rights in society, NHRIs, equality bodies and ombudspersons continuously contribute to preserving and defending the common values enshrined in Article 2 TEU and in the Charter.
17. **Provide** fair and transparent funding in the area of promotion, protection and enforcement of fundamental rights, and refrain from arbitrary funding cuts that could contradict Member States' obligation to respect the common values enshrined in Article 2 TEU and the Charter.

The Council of the European Union,

18. **Welcomes** the continuous work carried out by the Commission in cooperation with FRA to further strengthen the application of the Charter. In particular, the Commission's 'Strategy to strengthen the application of the Charter of Fundamental Rights in the EU' contains measures to support the application of fundamental rights until 2030. The strategy confirms the central role of funding in supporting the implementation of EU policies in the Member States, and calls on the Member States and the Commission to ensure that EU-funded projects comply with the Charter. It also takes note of the difficulties faced by civil society in accessing funding, a challenge reflected also in the 2022 Annual Report on the Application of the Charter, 'A thriving civic space for upholding fundamental rights in the EU 2022'.

19. **Welcomes** the Commission’s work aiming at further supporting CSOs, including through the announced creation of the Civil Society Platform.

The Council of the European Union invites the Commission to:

20. **Continue to explore and develop** synergies between Union and Member State funding covering the promotion, protection and enforcement of fundamental rights. In practice, this can be achieved through, *inter alia*, continuous reflection on the best use of existing funds, recognition of beneficiaries’ particular needs, ensuring cooperation with and funding availability to regional and local levels, as well as through ensuring effective publishing and reporting systems, and taking measures to prevent and mitigate the abuse of funds at EU level. Such synergies reflect and operationalise the complementary-while unique – nature of Union and Member State funding, and correspond to the growing complementarity of national and Union goals in the field of fundamental rights.
21. **Continue promoting** its direct funding programmes in the field of fundamental rights and their accessibility for relevant organisations, so that eligible applicants can obtain timely information on funding opportunities.
22. **Continue fostering** the accessibility of the CERV Programme within the 2021-2027 MFF for a broad range of potential applicants, including by facilitating application procedures in all official languages of the Union. While maintaining the transparency of financing, the Commission should ensure that the administrative burden linked with the processes of application and management of funding is not excessive for those applying. While developing the procedures to be followed by the applicants, the Commission is invited to continue closely cooperating with CERV national contact points in order to benefit from their expertise on the practical challenges faced at the Member States’ level. At the same time, the Commission should continue to make targeted funding available in order to address urgent and growing societal needs and challenges in the field of fundamental rights.

23. **Continue to actively engage** in an open and transparent dialogue with CSOs and human rights defenders, taking into account their expertise in the process of policy-making, **and to support** CSOs in examining and addressing fundamental rights issues, including at the grassroots level. Such support should include a continuous focus of the CERV Programme on CSOs.
24. **Continue providing** dedicated, direct funding opportunities for CSOs in order to support effective and sustainable projects within the existing funding programmes. Such support should include availability of multiannual funding enabling better implementation of projects which by their very nature require long-term planning, in line with the principles of transparency and accountability.
25. **Continue cooperating** with the European Committee of the Regions in raising awareness about the role of local and regional authorities in applying and promoting the Charter, drawing on successful Union-funded projects implemented by cities and their networks.
26. **Continue ensuring** a strong focus on fundamental rights issues, in accordance with Article 21 TEU and, within the current MFF, through external action funding instruments, including the Instrument for Pre-Accession Assistance (IPA III) and the Neighbourhood, Development and International Cooperation Instrument (NDICI – Global Europe).

