



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 September 2010

13714/10

**JAI 747
INST 333**

"I" ITEM NOTE

from :	General Secretariat of the Council
to :	Permanent Representatives Committee
Subject :	Request for the participation of a delegate of the Court of Justice of the European Union as an observer, at the next consultations with the Member States, pertaining to the accession of the European Union to the European Convention on Human Rights (ECHR)

On 7 January 2010, the Permanent Representatives Committee, approved the participation, as an observer, of a delegate from the Court of Justice of the European Union in the meetings of the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons, throughout the duration of the discussions on the draft recommendation for the opening of the negotiations for the accession of the European Union to the European Convention on Human Rights, on the basis of document 17807/09 JAI 948 INST 255.

Bearing in mind that the Council Decision authorising the Commission to negotiate the Accession agreement and the relevant negotiating directives have been adopted by the JHA Council on 4 June 2010, the participation as an observer of a delegate from the Court of Justice for the duration of the negotiation process for the Accession agreement, is not anymore possible.

In this respect, the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons, acting as a preparatory body of the Council, discussed this issue during its meeting on 14 September 2010. It concluded that the possibility for a delegate from the Court of Justice of the European Union to participate as an observer throughout the negotiation process for the Accession agreement, should be extended to allow the delegate of the Court of Justice to participate to the extent that his expertise would be required, depending on the issues for discussion on the FREMP Working Party agenda and with the agreement of the Court of Justice.

Consequently, COREPER is invited to allow the participation, as an observer, of a delegate from the Court of Justice of the European Union, in the meetings of the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons, when acting as a preparatory body of the Council, for the duration of the negotiation process of the Agreement for the Accession of the European Union to the European Convention on Human Rights, to the extent that the issues for discussion on the FREMP agenda require such an expertise and the Court of Justice of the European Union agrees on such a participation.
