



47+1(2021)OJ08  
17 December 2020

**8<sup>TH</sup> NEGOTIATION MEETING BETWEEN THE CDDH AD HOC  
NEGOTIATION GROUP AND THE EUROPEAN COMMISSION  
ON THE ACCESSION OF THE EUROPEAN UNION TO THE  
EUROPEAN CONVENTION ON HUMAN RIGHTS**

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**Draft Agenda**

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Tuesday 2 February 2021 (10:00 am) – Thursday 4 February 2021 (4:30 pm)

(Due to the COVID-19 situation, the meeting will be held through the KUDO  
videoconferencing system)

Council of Europe

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**Draft Agenda**

1. Opening of the meeting and adoption of the agenda
2. Discussion of the principle of mutual trust between the EU member states
3. Discussion of the situation of EU acts in the area of the Common Foreign and Security Policy that are excluded from the jurisdiction of the Court of Justice of the European Union
4. Discussion of proposals submitted on the EU's specific mechanisms of the procedure before the European Court of Human Rights
5. Discussion of proposals submitted on the operation of inter-party applications (Article 33 ECHR) and of references for an advisory opinion (Protocol No. 16) in relation to EU member states, and of proposals submitted in respect of Article 53 ECHR
6. Exchange of views with the Human Rights Directorate (Department for the Execution of Judgments of the European Court of Human Rights) and the Secretariat of the Committee of Ministers regarding Article 7 of the draft Accession Agreement
7. Presentation by the Secretariat of a paper on the estimated expenditure related to the Convention regarding Article 8 of the draft Accession Agreement
8. Discussion of other issues which are not contained in the Chair's "Paper to structure the discussion at the 6<sup>th</sup> negotiation meeting"
9. Any other business
10. Adoption of the meeting report

**Working documents**

Draft revised agreement on the accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms	<a href="#">CM(2013)93 add1, Appendix 1, pp. 3-9</a>
Draft declaration by the European Union to be made at the time of signature of the Accession Agreement	<a href="#">CM(2013)93 add1, Appendix 2, p. 10</a>
Draft rule to be added to the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements in cases to which the European Union is a party	<a href="#">CM(2013)93 add1, Appendix 3, p. 11</a>
Draft model of memorandum of understanding between the European Union and X [State which is not a member of the European Union]	<a href="#">CM(2013)93 add1, Appendix 4, p. 12</a>
Draft explanatory report to the Agreement on the Accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms	<a href="#">CM(2013)93 add1, Appendix 5, pp. 13-28</a>
Position paper for the negotiation on the European Union's accession to the European Convention for the protection of Human Rights and Fundamental Freedoms	<a href="#">47+1(2020)1</a>
Paper by the Chair to structure the discussion at the 6 <sup>th</sup> negotiation meeting	<a href="#">47+1(2020)2</a>
Compilation by the Secretariat of recent cases in the area of Basket 3 ("The principle of mutual trust between the EU member states")	<a href="#">47+1(2020)4rev</a>
Negotiation Document submitted by the European Union on 2 November 2020	Restricted
Compilation by the European Commission of recent and currently pending cases before the Court of Justice of the European Union in the area of Basket 4 ("Common Foreign and Security Policy")	<a href="#">Non-paper</a>
Non-paper prepared by the Secretariat on the estimated expenditure related to the Convention regarding Article 8 of the draft Accession Agreement	<a href="#">47+1(2021)6</a>
Proposals by the Secretariat for discussion of agenda items 4 and 5	Non paper

**Reference documents**

Ad hoc terms of reference concerning accession of the EU to the Convention given to the CDDH by the Ministers' Deputies during their 1085 <sup>th</sup> meeting (26 May 2010)	CDDH(2010)008
Decision by the Minister's Deputies Committee of Ministers at its 1364 <sup>th</sup> meeting (15 January 2020) on the continuation of the ad hoc terms of reference for the CDDH to finalise the legal instruments	<a href="#">CM/Del/JAN(2020)1364/4.3</a>

setting out the modalities of accession of the European union to the European Convention on Human Rights	
Letter of 31 October 2019 by the President and the First Vice-President of the European Commission to the Secretary General of the Council of Europe	<a href="#">DD(2019)1301</a>
Opinion 2/13 of 18 December 2014 of the Court of Justice of the European Union	<a href="#">A-2/13 ; EC LI: EU: C : 2014: 2454</a>
Protocol No. 16 to the European Convention on Human Rights and its <a href="#">explanatory memorandum</a>	<a href="#">Council of Europe Treaty Series No. 214</a>