



47+1(2021)OJ12

2 November 2021

**12TH 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**

Draft Agenda

Tuesday 7 December 2021 (10:00 a.m.) – Friday 10 December 2021 (4:30 p.m.)

Agora Building, Room G02 (with the possibility to attend the meeting also externally
through the KUDO videoconferencing system)

Council of Europe

Draft Agenda

- 1. Opening of the meeting and adoption of the agenda**
- 2. Discussion of an informal paper submitted by the Russian Federation¹**
- 3. Discussion of proposals submitted on the EU's specific mechanisms of the procedure before the European Court of Human Rights (Basket 1)**
- 4. Discussion of proposals submitted on the principle of mutual trust between the EU member states (Basket 3)**
- 5. Discussion of proposals submitted by the EU on 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 (Basket 4)**
- 6. Proposals submitted on amendments to Articles 6-8 of the Accession Agreement (including the relevant parts of the other accession instruments)**
- 7. Any other business**
- 8. Adoption of the meeting report**

¹ "Preliminary considerations on the subject of possible solutions to issue raised in Opinion 2/13 of the CJEU consistent with the approach enshrined in the '2013 package' and in the negotiating principles of NEUMS", informal paper submitted by the Russian Federation in September 2021.

Working documents

Draft revised agreement on the accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms	CM(2013)93 add1, Appendix 1, pp. 3-9
Draft declaration by the European Union to be made at the time of signature of the Accession Agreement	CM(2013)93 add1, Appendix 2, p. 10
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	CM(2013)93 add1, Appendix 3, p. 11
Draft model of memorandum of understanding between the European Union and X [State which is not a member of the European Union]	CM(2013)93 add1, Appendix 4, p. 12
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	CM(2013)93 add1, Appendix 5, pp. 13-28
Position paper for the negotiation on the European Union's accession to the European Convention for the protection of Human Rights and Fundamental Freedoms	47+1(2020)1
Paper by the Chair to structure the discussion at the 6 th negotiation meeting	47+1(2020)2
Compilation by the Secretariat of recent cases in the area of Basket 3 ("The principle of mutual trust between the EU member states")	47+1(2020)4rev
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")	Non-paper
Proposals by the Secretariat for discussion of agenda items 4 and 5 [<i>refers to the 8th meeting</i>]	47+1(2021)5
Non-paper prepared by the Secretariat regarding the estimated expenditure related to the Convention regarding Article 8 of the draft Accession Agreement	47+1(2021)6
Proposals by the Secretariat for the discussion on Basket 1 ("The EU's specific mechanisms of the procedure before the European Court of Human Rights") [<i>for the 10th meeting</i>]	47+1(2021)7
Proposals by the Secretariat for the discussion on Basket 3 ("The principle of mutual trust between the EU member states") [<i>for the 10th meeting</i>]	47+1(2021)8
Proposal prepared by the Norwegian delegation on "Inter-Party applications under Article 33 of the European Convention of Human Rights" [<i>for the 10th meeting</i>]	47+1(2021)9
Revised proposal on "Inter-Party applications under Article 33 of the European Convention of Human Rights" by the Norwegian delegation and the Secretariat	47+1(2021)10
Revised proposals by the Secretariat on issues contained in Basket 3 ("The principle of mutual trust between the EU member states")	47+1(2021)11

Revised proposals by the Secretariat on certain issues contained in Basket 1 (“The EU’s specific mechanisms of the procedure before the European Court of Human Rights”)	47+1(2021)12
Consolidated version of the draft Accession Instruments (as of 31 October 2021)	47+1(2021)13
Revised proposals by the Secretariat on issues contained in Basket 3 (“The principle of mutual trust between the EU member states”)	47+1(2021)14
Background paper by the Secretariat on scenarios in the context of Article 7 of the draft Accession Agreement	47+1(2021)15
Overview of treaty clauses on EU voting rights in Council of Europe treaties – background paper prepared by DLAPIL	Non-paper
Proposals by the European Union on 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 (Basket 4)	Restricted
Proposals and Amendments submitted by the EU Delegation regarding the procedure for initiating the co-respondent mechanism	47+1(2021)16

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 th meeting (26 May 2010)	CDDH(2010)008
Decision by the Minister’s Deputies Committee of Ministers at its 1364 th meeting (15 January 2020) on the continuation of the ad hoc terms of reference for the CDDH to finalise the legal instruments setting out the modalities of accession of the European union to the European Convention on Human Rights	CM/Del/JAN(2020)1364/4.3
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	DD(2019)1301
Opinion 2/13 of 18 December 2014 of the Court of Justice of the European Union	A-2/13 ; EC LI: EU: C : 2014: 2454
Protocol No. 16 to the European Convention on Human Rights and its explanatory memorandum	Council of Europe Treaty Series No. 214