Chairperson: President M. Barroso
In attendance: Vice-President F. Frattini, Commissioners J. Figel’ and V. Špidla

Reference documents:

- CG4(2005)26 Agence des droits fondamentaux
- CG4(2005)2/2 Feuille de route : actualisation et insertion d’une section sur la dignité humaine et la bioéthique
- CG4(2005)24 Journée européenne contre la peine de mort
- CG4(2005)25 Open letter to the Commissioners’ Group with the occasion of the 8th April – the International Roma Day
- CG4(2005)27 Draft reply to the open letter to the Commissioners’ Group with the occasion of the 8th April – the International Roma Day
- GG4(2005)8/2 Fixation des dates des réunions futures du Groupe

President Barroso welcomed the participants.

1. Preparation of the accession by the Union to the European Convention of Human Rights

President Barroso introduced the explanatory note prepared by the LS, in collaboration with DG JLS, DG RELEX and SG, on the legal and technical questions raised by the accession to the European Convention of Human Rights (ECHR). He stressed the importance of this initiative for the Group, because it will have an impact on all policies of the Union. It shows
the Commission’s firm commitment to protect fundamental rights, without adding new competences, but with increased external control through the Court in Strasbourg. As concerns timing, it is important for the Commission to express its intentions clearly at the occasion of the Council of Europe’s third Summit in Warsaw on 16-17 May. The EU accession to the ECHR is a major priority for the Council of Europe, and the Commission should show its willingness to move forward, without anticipating the results of the ratification process of the Constitution. The appropriate communication strategy should be determined accordingly.

Mr. Petite then summarized the main legal and technical questions raised by the accession to the ECHR, and explained the political options that should be decided upon by the Group, concerning both the modalities of preparatory work and the appropriate communication strategy. The approach proposed is to start the debate, right after the Warsaw Summit, with Member States’ experts in the Council, and to announce the start of informal talks with the Council of Europe in the autumn of 2005. In June 2005, a communication to the European Parliament and Council would be adopted by the Commission in order to express its official position in the most transparent way.

Commissioner Figel’ supported this transparent and united approach which he considers the best way to build a Europe of human rights.

Commissioner Frattini also agreed with the proposed approach but insisted on the importance of establishing contacts with third countries, particularly with Russia and Switzerland, which are key partners in the Council of Europe. He underlined the importance to be cautious in the presentation, in order to avoid the impression of anticipation of the Constitution.

President Barroso concluded by confirming the agreement of the Group on the double approach put forward by Mr. Petite, and indicated the next steps to be taken:

- at the Warsaw Summit, Mrs. Ferrero-Waldner will announce the start of informal preparatory talks with the Council of Europe in the autumn of 2005;
- after the Summit, technical discussions on legal questions linked to the future accession Treaty will be launched with the experts of Member States in the Council, with appropriate information of the European Parliament;
- a Communication to the European Parliament and Council will be adopted before the summer to explain the double approach chosen by the Commission and to justify the need to start preparatory work before the Constitution comes into force;
- at the operational level, a Task-force will be created to work on the technical and legal issues; it will be coordinated by Mr. Petite, under the political authority of the President, Mrs. Ferrero-Waldner and Mr. Frattini, and it will be composed of the LS, DG JLS, DG RELEX and the SG. It will regularly report to the Group. The first task of this Task-force is to prepare the Communication foreseen.
2. Anti-discrimination strategy and European Year for Equal Opportunities for all

Commissioner Špidla presented the main lines of the anti-discrimination strategy, which reflects the important political commitment of the Commission in this field. He stressed that the intention at this stage is not to propose new legislation, but rather to examine in depth if there is a need to further legislate. The communication gives a clear message that progress has been made in the fight against all kinds of discriminations, but that there is a need for increased effort in the implementation of the current legal framework. It also shows that the strategy goes beyond individual discrimination, in order to fight all forms of social exclusion. The proposal for a European Year for Equal Opportunities for all in 2007 both aims at making the public opinion sensitive to the need for a fairer society without discrimination and at launching a debate on matters such as freedom, respect, tolerance, and adequate representation of minorities.

Commissioner Figel’ supported the initiative but insisted on a long-term improvement of European policies. He pointed out to the possible overlap with the proposal for a Year for intercultural dialogue in 2008, and proposed that services would collaborate closely in order to avoid overlap and insure coherence.

President Barroso expressed an agreement of principle on the approach proposed by Commissioner Špidla not to propose further legislative action but to carry out a thorough analysis of the implementation of existing legislation, as well as on the designation of 2007 as the European Year for Equal Opportunities for all. Reminding all participants that the proposals are on the agenda of the Commission’s meeting of 25 May, he invited concerned cabinets and services to collaborate closely in order to reach the optimal stage of preparation.

3. Fundamental Rights Agency

Vice-President Frattini informed participants about the discussions on the Fundamental Rights Agency that took place during the European Parliament public seminar organized by the LIBE Committee (see also point 4.6. below). The European Parliament insisted that the Agency’s proposal be discussed under co-decision procedure. This creates a major problem of legal basis (currently 308 TEC). It would also limit the scope and ambition of the Agency asked for by the Council. A compromise should thus be found that would conciliate positions of the Commission, the Council and the Parliament. This will of course have an impact on timing, considering that the interservice consultation just ended on 21 April.

Mr. Moavero Milanesi presented the position taken by the SG during the interservice consultation (shared by the LS). A first concern regards the coherence with the draft Inter-institutional Agreement for regulatory agencies adopted by the Commission in February 2005, in particular with reference to the participation of the European Parliament and the Council of Europe, with a right of vote, in the management structures of the Agency. Other main concerns are linked with the definition of the scope of the Agency and its political margin of appreciation, and with the possible duplication of tasks with other bodies or networks.

Vice-President Frattini recalled that the European Parliament and the Council of Europe already participate in the existing Observatory. A compromise has to be found that will guarantee that the Parliament has a role to play.
Commissioner Figel’ agreed on the need to find a consensus, considering the importance of getting political support from the Parliament, even if it is time-consuming.

President Barroso reminded participants that the proposal is currently on the Commission’s agenda of 25 May\(^1\), and proposed to take the following steps to solve outstanding issues:

- further contacts should take place between services and cabinets in order to finalize the preparation of the proposal;
- the proposal should not depart decisively from the draft Inter-institutional Agreement for regulatory agencies;
- the mandate given to the Agency must entirely respect the limits of political appreciation proper for regulatory agencies;
- a compromise has to be found with the European Parliament on the question of legal bases; the Commission’s commitment to take into account the opinion of the Parliament could be more political than legal;
- Vice-President Frattini will make the necessary contacts with the European Parliament and the Council, in coordination with the President and Vice-President Wallström, the SG and the LS;
- timing is less important than quality of the final consensus reached.

4. Points for information

4.1. Action plan for the implementation of The Hague Programme

Vice-President Frattini presented the draft Action plan. He stressed the importance of this ambitious five years programme, and the need for a collective effort in view of its implementation. The promotion of fundamental rights is identified as the first of the ten priorities of the Commission, which shows that it is at the core of the European Union’s values. The main actions of the Group are of course part of the list of proposals, as is the important issue of the protection of personal data which will be the subject of a proposal before the end of 2005. Important to note is also the monitoring mechanism introduced in the action plan in response to the Council’s request. Adoption by the Commission is foreseen for 10 May, for endorsement by the European Council in June.

President Barroso insisted on the importance of this Action plan which is the expression of one of the three strategic objectives of the Union, i. e. security, and invited cabinets to solve all possible outstanding issues in order to facilitate adoption.

Commissioner Figel’ expressed the need to also develop an anti-doping policy in sports including prevention aspects.

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\(^1\) After the meeting, the Cabinet of Vice-President Frattini communicated that the adoption would be postponed to 1 June.
4.2. Protection of the rights of the child

Vice-President Frattini presented the global table summarizing the contributions received from other Commissioners and services. In order to further increase coordination, he suggested to appoint a coordinator for children matters in all services concerned. As far as strategy is concerned, he proposed to prepare a “Pact for the Child” with a view to motivate Member States and stakeholders. The added value of Europe would be to enable the exchange of good practices, and to launch common actions aimed at upgrading the protection of the child. This Pact would be prepared together with the European Parliament and national and international stakeholders. A public hearing could be organized in the summer. A communication to the European Parliament and the Council on EU policy on protection of the rights of the child could be adopted end 2005 or beginning 2006. Possible immediate actions for raising awareness could be to disseminate relevant information on activities already carried out by the Commission on the appropriate Europa web site, and on 25 May, the international Day for missing and sexually exploited children, to distribute paper flowers (“forget-me-not”) to all Commission’s staff in order to show to the public that the Commission cares.

President Barroso supported the global approach presented by Vice-President Frattini and thanked DG JLS and concerned services for producing this synthetic view on the Commission’s activities. This cooperation should be pursued in order to prepare the foreseen communication. If time allows, Mr. Frattini’s suggestion for action on 25 May will be associated with appropriate communication actions.

4.3. Road map: update and insertion of a section on human dignity and bioethics

President Barroso reminded participants that at the meeting of 16 February it was decided to complete the road map of the Group with a section on human dignity and bio-ethics, to be drafted by SG, BEPA and RTD. This section has now been included and an agreement was reached during the preparatory meeting, so that the revised version of the road map can now be considered as validated.

Commissioner Figel’ welcomed the inclusion of such a major and visible issue, and asked for DG EAC to be associated in the activities of the Biotechnology Steering Committee.

4.4. Network of experts for fundamental rights

Vice-President Frattini informed participants on the activities of the network of independent experts for fundamental rights. Three reports are about to be presented by this network: (1) a report on the situation of the protection of human rights in Member States in 2004, (2) a report on the activities of the European Institutions in this field and (3) an analysis on the rights of minorities. These reports will be circulated to the services concerned and presented by Mr. Frattini to the Parliament with, if considered useful, the Commission’s remarks.

4.5. European Day against death penalty

Due to time constraints, the discussion of this subject is postponed till the next meeting of the Group. It was noted that Commissioner Ferrero-Waldner wished to be present for this point. President Barroso invited Vice-President Frattini and Commissioner Ferrero-Waldner to take appropriate bilateral contacts on the matter.
4.6. EP hearing on fundamental rights

In addition to the information given by Vice-President Frattini as concerns the Agency of Fundamental Rights (see point 3), President Barroso emphasized the importance and interest of such an event. The presence of three Commissioners was highly appreciated by the LIBE Committee. This involvement showed the high commitment of the Commission in the field of human rights and confirmed the important role played by this Group.

5. Miscellaneous

5.1. Open Letter to the Commissioners’ Group with the occasion of 8th of April the International Roma Day

Mr. Špidla presented the draft answer prepared by his services. He acknowledged the difficult situation of the Roma communities despite actions already undertaken by the Commission, and stressed that the EU had to fight social exclusion with all instruments available, legal or financial such as the European Social Fund. Measures have to be as concrete as possible in order to improve Romas’ daily life. Among proposals made in the open letter, he proposed to take up the suggestion to include the Roma’s situation in the agenda of one of the future meetings of the Group.

President Barroso concluded that the draft answer had to be finalized in collaboration with services concerned and that a general approach to such solicitations should be determined for further requests from civil society.

5.2. Dates for the next meetings

President Barroso insisted on the actual participation of the Commissioners who are members of the Group, in order to preserve the political impetus that prevailed when it was created. Dates of the next meetings should thus be duly noted in agendas:

- **21 June, 14:30 – 16:00**, with a preparatory cabinets/services meeting on 14 June, 16:30 – 18:00
- **5 October, 14:30 – 16:00**, with a preparatory cabinets/services meeting on 27 September, 15:00 – 16:30

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Contact person: Martine Deprez (SG.D.3 – 62236)
Annexe

Groupe de Commissaires « Droits fondamentaux, lutte contre la discrimination et égalité des chances »
27 avril 2005

Liste des participants

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M. Barroso

Commissaires:
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M. Figel’, Commissaire pour l’Education, la formation, la culture et le multilinguisme
M. Špidla, Commissaire pour l’Emploi, les affaires sociales et l’égalité des chances

Cabinets:
M. Laitenberger, Cabinet Barroso
Mme Martinho, Cabinet Barroso
M. Gray, Cabinet Wallström
M. Fitch, Cabinet Kallas
Mme Schmitt, Cabinet Frattini
Mme Davies, Cabinet Reding
M. Biervert, Cabinet Figel
Mme Hyvärinen, Cabinet Rehn
M. Brakeland, Cabinet Michel
M. Kuehnel, Cabinet Ferrero-Waldner
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