



Brussels, 11 July 2006  
**CG4 (2006)28**

**SEC (2006) 980**

**9TH MEETING OF THE COMMISSIONERS' GROUP ON  
FUNDAMENTAL RIGHTS, ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES  
28 JUNE 2006**

**SUMMARY RECORD**

**Chairperson:** President J.M. Barroso

**In attendance:** Vice-Presidents M. Wallström and F. Frattini, Commissioners J. Figel', O. Rehn and V. Špidla

**Reference documents:**

CG4(2006)17/2	<i>Projet d'ordre du jour</i>
CG4(2006)18/2	<i>Plaintes visant d'éventuels problèmes de respect de droits fondamentaux dans les EM</i> <i>Note de discussion du Vice-président Frattini</i>
CG4(2006)19/2	<i>Communication sur les droits de l'enfant</i> <i>Note d'information du Vice-président Frattini</i>
CG4(2006)20/2	<i>Bilan du Groupe</i> <i>Note d'information du Secrétariat général</i>
CG4(2006)23	<i>Utilisation alléguée de pays européens par la CIA pour le transport et la détention illégale de prisonniers</i> <i>Note d'information du Vice-président Frattini</i>
CG4(2006)24	<i>Agence des droits fondamentaux</i> <i>Note d'information du Vice-président Frattini</i>
CG4(2006)26	<i>Année européenne de l'égalité des chances pour tous – 2007</i> <i>Note d'information du Commissaire Špidla</i>
CG4(2006)21/2	<i>Travaux du groupe interservices sur le racisme et la xénophobie</i> <i>Note d'information du Vice-président Frattini</i>
CG4(2006)22	<i>Rapport du réseau d'experts « Droits fondamentaux »</i> <i>Note d'information du Vice-président Frattini</i>
CG4(2006)27	<i>Convention internationale pour la protection et la promotion des droits de personnes handicapées</i> <i>Note d'information du Commissaire Špidla</i>
CG4(2006)25	<i>Femmes dans la science et la technologie</i>

- **Complaints regarding potential violations of fundamental rights by Member States**  
(Item for discussion)

- President Barroso noted the increasing number of complaints addressed to the Commission alleging violations of fundamental rights by Member States, particularly from European citizens and the Members of the EP. Often, these claims raise highly sensitive national issues. Therefore, he stressed the need for a clear way forward.
- VP Frattini added that when the object of those claims does not fall under Community competence the Commission's response was limited to noting its non-competence and indicating the judicial options for appeal. In order to avoid this kind of answers, which may cause frustration among European citizens, VP Frattini proposed making political responses, as set out in the discussion note, and to contact the competent authorities in the Member States in order to identify the state of play concerning such complaints.
- Mr Špidla supported VP Frattini's approach and highlighted the increasing number of citizens' claims, particularly alleging discrimination issues.
- Mr Figel' supported VP Frattini's approach towards more mature relations within the scope of Community and EU law and towards more mature Institutions able to react to serious complaints on fundamental rights. He quoted "diversity in unity" as the best narrative of our Community, which should be based around a culture of fundamental rights and law.

**Conclusions:**

√ *The Group took note of VP Frattini's points and agreed on the importance of providing proper follow-up to the increasing number of complaints alleging violations of fundamental rights by Member States. To this end, the Group approved the analysis of the situation and the lines of conduct set out in the discussion note.*

- **Communication on the rights of the child**  
(Item for adoption)

- President Barroso welcomed the fact that this important initiative had returned to the Group's agenda for a final political steer, before being addressed as a common initiative to the Commission for adoption on 4 July. He thanked VP Frattini, all the Members of the Group and their respective departments for their contribution. He drew attention to the main point at stake, the creation of a coordinator for the rights of the child and welcomed its future role within the Commission providing follow-up to the Communication.
- VP Frattini thanked the President and all the Commissioners and departments concerned for their contribution to the preparatory work. He stressed the administrative rather than political nature of the future coordinator for the rights of the child and explained the importance of presenting the annex to the Communication.
- Mr Špidla stressed the importance of the proposal and highlighted a number of key domains where further action needs to be developed, such as the fight against child labour, gender equality, protection of young workers and the fight against child poverty.

- Mr Figel' supported the proposal and expressed his thanks for the broad consultation led by DG JLS. He welcomed its horizontal dimension and internal-external approach, stressing the importance of guaranteeing a culture of human rights, which starts with the protection of children. Finally, he underlined two particular rights of children: the right to education and the right to have relations with both parents.
- Mr Child, on behalf of Ms Ferrero-Waldner, expressed strong support for the proposal and welcomed the administrative nature of the future coordinator. He noted DG RELEX's interest in playing an active role in the follow-up to the Communication, particularly as regards the formal inter-service group on the rights of the child, for which he noted some details still needed to be settled.
- Mr Rehn thanked VP Frattini for the proposal and highlighted the inter-service preparatory work, which had helped to strike a good internal-external balance. He agreed on the importance of improving the Commission's internal coordination. Thus, he supported the creation of the coordinator and suggested inviting him/her to the Group's meetings. He emphasised progress with EU accession as a powerful tool for promoting children's rights and recalled the importance of EU financial assistance.
- VP Wallström thanked VP Frattini and in particular the President for their commitment to the proposal. She welcomed the creation of an internal coordinator, who would be the Commission contact point for children's matters. She referred to the communication aspects of the proposal and suggested, in particular, preparing a child-friendly version of the Communication and creating a symbolic Children's Meeting Place by planting a tree, following the experience projects run by the NGO "GlobalTree".

#### **Conclusions:**

- √ *President Barroso underlined his interest in and commitment to the rights of the child, which is a very sensitive human and political issue. He welcomed the initiative and noted the value added of action at European level, which would add to what is done at national level and show that the EU supports the protection of children. To this end, he stressed the importance of giving high visibility to the proposal.*
- √ *The Group expressed its full support for the proposal after giving it a final political steer, and agreed to address it directly, as a common initiative of the Group, to the Commission for adoption, as allowed by the Commission's Rules of Procedure.*
- √ *The Group welcomed the creation of a coordinator for the rights of the child, who would have an administrative role designed to provide follow-up and help implement the proposal. RELEX services would be fully associated in this respect. From a communication point of view, the concrete suggestions made by VP Wallström were welcomed and should be closely scrutinised.*

#### - **Achievements of the Group** (*"A" Item for discussion*)

- President Barroso explained that the aim of this item on the agenda was to address to the Commission the information note reporting on its most outstanding work since its creation in 2004 and planned work for 2006. He said it would be the first time that a

Group of Commissioners had informed the Commission as such of its activities. Following the agreement reached at the preparatory meeting on the content of the note, President Barroso proposed that this issue should be addressed as an “A” item.

**Conclusions:**

- ✓ *The Group gave its approval to the information note and agreed to forward it to the Commission to report on the work and achievements of the Group since its creation in 2004 and planned work for 2006.*

- **Alleged CIA use of European countries to transport and hold prisoners illegally**  
(Item for information)

- President Barroso recalled the ongoing enquiries by the EP and the Council of Europe on this important and sensitive issue.
- VP Frattini informed of his participation on 27 June 2006 in the Parliamentary Assembly of the Council of Europe, when a resolution on the interim report by Mr Marty had been approved. He noted that the Council of Europe appreciates the “invaluable” contribution of the Commission to its work and pointed the two main messages of his statement: to underline the Commission’s support for the ongoing enquiries and share his intention to encourage ministers of the interior to further cooperate.

**Conclusions:**

- ✓ *President Barroso underlined the Council of Europe’s recognition of the “invaluable” cooperation of the Commission and expressed his gratitude to VP Frattini for his work on this issue.*
- ✓ *The Group took note of VP Frattini’s presentation, particularly on the details of his participation on 27 June in the Parliamentary Assembly of the Council of Europe, when the interim Marty report had been voted on.*

- **Accession of the EU to the European Convention on Human Rights**  
(Item for information)

- Mr Petite informed the meeting on the positive ongoing informal dialogue with the Council of Europe at technical level. However, he noted that sensitive and complex issues would have to be dealt with and anticipated that major problems can be expected to come, in particular, from EU Member States. He suggested informing again the Group on the results of this dialogue at its next meeting in November 2006.
- VP Frattini noted that the President of the ECtHR was very keen to be kept informed of the results of the ongoing dialogue, as expressed at their bilateral meeting on 27 June.

**Conclusions:**

- ✓ *The Group confirmed its support for the SJ to pursue informal dialogue with the Council of Europe at technical level, and to inform the President of the ECHR of the main developments.*

- **2007 European Year of Equal Opportunities for all**

*(Item for information)*

- Mr Špidla informed the meeting of the preparatory work for the 2007 Year of Equal Opportunities and referred to the Ministerial summit to be held in January 2007 in Berlin. He highlighted the common nature of the initiative and encouraged all departments concerned to play an active role, in particular through the relevant inter-service group.

**Conclusions:**

- ✓ *The Group took note of Mr Špidla's report on the organisation of the 2007 Year of Equal Opportunities for all and the importance of all departments concerned working together to maximise Commission action in this field.*

- **Agency on fundamental rights**

*(Item for information)*

- VP Frattini reported on the state of play of negotiations in the Council and the EP and noted two major remaining issues: the relationship with the Council of Europe and the recognition of the competence of the Agency on 3rd pillar-related issues. This issue, which has become a stumbling block for the EP, has led the Austrian Presidency to withdraw the Agency file from the agenda of the CAERG of 12<sup>th</sup> of June at the request of the German delegation. The Council of Europe opposes this option too, as it considers that it would substantially compete with its activities. Recalling the conclusions of the European Council of June 16<sup>th</sup> – asking for the opening of the Agency the 1<sup>st</sup> of January 2007 –, VP Frattini stressed the need for an urgent compromise, and suggested as a possible solution to accept the inclusion of the 3rd pillar within the scope of the Agency, but to postpone its entry into force until the second multi-annual framework period. He also underlined a number of initiatives, which will have to be taken soon by the Commission in view of having the Agency in activity the 1<sup>st</sup> of January: negotiation of a bilateral agreement with the Council of Europe proposal for a multiannual program, nomination of the Director for example.

**Conclusions:**

- ✓ *The Group took note of VP Frattini's information on the state of play of negotiations on the creation of the Agency, in particular the inclusion of third pillar matters under its scope, and expected that a compromise would be found shortly.*

- **Work of the Inter-service Group on Racism and Xenophobia**

*(Item for information)*

- Although this item was planned without oral presentation, Mr Fitch, of Mr Kallas' Cabinet, made two specific points. First, he drew attention to a communication breakdown that had led to DG ADMIN not participating in the work of the inter-service group, to which it was invited. Second, he voiced concern at the information note, particularly as regards the role that the inter-service group should play on human resources policy. In this respect, he stressed DG ADMIN's main competence for this policy.
- While recognizing DG ADMIN competence on human resources, Mr Špidla noted the need for close inter-service cooperation in this field.

**Conclusions:**

✓ *Following the points raised by the member of Mr Kallas' Cabinet, the Group confirmed that the meeting document does not call into question the sole competence of DG ADMIN concerning the area of diversity of human resources within the Commission. It also took note that better cooperation between DG ADMIN and the inter-service group was to be established*

- **Report of the Expert Group on Fundamental Rights:** *no oral presentation*
- **International Convention for the Protection and Promotion of the Rights of Disabled People:** *no oral presentation*
- **Women in science and technology:** *no oral presentation*
- **Next meeting:** *the Group decided that its next meeting would take place on 9 November from 11:00 to 12:30.*

\* \* \*

Contact person: Luisa Llano Cardenal (SG.D.3 – 92759)

Annexe

**9<sup>EME</sup> REUNION DU GROUPE DE COMMISSAIRES « ROITS FONDAMENTAUX, LUTTE CONTRE LA DISCRIMINATION ET EGALITE DES CHANCES »**

**28 juin 2006**

**Liste des participants**

**M. Le Président**

**Commissaires:**

Mme Wallström, Vice-Présidente pour les Relations institutionnelles et stratégie de la communication

M. Frattini, Vice-Président pour la Justice, la liberté et la sécurité

M. Figel', Commissaire pour l'Education, la formation, la culture et le multilinguisme

M. Rehn, Commissaire pour l'Elargissement

M. Špidla, Commissaire pour l'Emploi, les affaires sociales et l'égalité des chances

**Cabinets**

Mme Martinez Alberola, Cabinet Barroso

Mme Martinho, Cabinet Barroso

Mme Andrade, Cabinet Barroso

Mme Sipala, Cabinet Wallström

M. Fitch, Cabinet Kallas

Ulrike Hornung, Cabinet Kallas

Mme Schmitt, Cabinet Frattini

Mme Colombo, Cabinet Reding

M. Biervert, Cabinet Figel'

Mme Hyvärinen, Cabinet Rehn

Mme Gardes-Koutny, Cabinet Michel

M. Child, Cabinet Ferrero-Waldner

M. Jarab, Cabinet Špidla

**Directions générales:**

M. Italianer, Secrétaire général adjoint

M. Servoz, Directeur, SG

M. Petite, Directeur général SJ

M. Ladenburger, SJ

M. Roscam Abbing, COMM

Mme Hubert, BEPA

Mme Boeckermann, EMPL

M. Zilgalvis, Chef d'unité RTD

M. Andrau, INFSO

Mme Vlaminck, Chef d'unité EAC

M. Brun, Chef d'unité JLS

M. Trousson, JLS

M. Nieto, JLS

Mme Amadei, RELEX

M. Garray, DEV

M. Serri, ELARG

Mme Dellicour, Chef d'unité AIDCO

Mme Lebrun, ECHO

Mme Grange, Chef d'unité ADMIN

**Secrétaire de la réunion:** Mme Llano Cardenal, SG