

# **THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION:**

*the travaux préparatoires and selected documents*

## ***III.1. The Charter Convention's Mandate***

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### 1. *The Charter Convention's Mandate*

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Document Reference	Title	Date	Language	Page
SN 2960/99	Draft Mandate: Charter of Fundamental Rights of the European Union	11/05/1999	EN	710
8344/99	Compte rendu sommaire de la 1833ème réunion du Coreper tenue à Bruxelles les 19-21 mai 1999 [Extraits]	28/07/1999	FR/EN	712
8735/99	Compte rendu sommaire de la 1834ème réunion du Coreper tenue à Bruxelles les 26 et 28 mai 1999 [Extraits]	30/07/1999	FR/EN	715
150/99 REV 1	Presidency Conclusions – Cologne European Council, 3 and 4 June 1999 [Extracts]	04/06/1999	EN	717
10539/99	Presidency Report: Composition, method of work and practical arrangements for the Body to elaborate a draft EU Charter of Fundamental rights	30/07/1999	EN	721
10871/99	Compte rendu sommaire de la 1843ème réunion du Coreper tenue à Bruxelles le 8 septembre 1999 [Extraits]	15/10/1999	FR/EN	732
11243/99	Presidency Note: Revised Proposal concerning the composition, method of work and practical arrangements for the Body to elaborate a draft Charter of Fundamental Rights	23/09/1999	EN	734
11865/99	Compte rendu sommaire de la 1846ème réunion du Coreper tenue à Bruxelles le 29 septembre et le 1er octobre 1999 [Extraits]	05/11/1999	FR/EN	739
11475/99	Presidency Report: Compromise proposal concerning the composition, method of work and practical arrangements for the Body to elaborate a draft EU Charter of Fundamental Rights	05/10/1999	EN	741
11745/99	Draft Minutes: 2206th Council Meeting (General Affairs) Held in Luxembourg, 11 October 1999 [Extracts]	07/12/1999	EN	746
None	Presidency Conclusions – Tampere European Council, 15 and 16 June 1999	16/10/1999	EN	748

# **III. The Charter Convention** *travaux préparatoires*

## ***III.1. The Charter Convention's Mandate***

(11.05)

SN 2960/99

OR.d

**Draft****Charter of Fundamental Rights of the European Union**

Respect for fundamental rights is a founding principle of the European Union and an indispensable prerequisite for its legitimacy.

The obligation of the Union to respect fundamental rights has been confirmed and defined by the jurisprudence of the European Court of Justice.

It is necessary at the present stage of the Union's development to establish a Charter of fundamental rights in order visibly to enshrine the overriding importance of fundamental rights and their impact on the Union's citizens. The Charter should guide the Union in the fulfilment of its tasks and make it easier for the Union's citizens to assert their fundamental rights in court.

The European Council believes that this Charter should in particular comprise the rights of freedom and equality as well as basic procedural rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms deriving from the constitutional traditions common to the Member States as general principles of Community law.

The Charter should also include the fundamental rights that pertain only to the Union's citizens.

In drawing up such a Charter account should furthermore be taken of economic and social rights as contained in the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers, insofar as they do not merely establish objectives for action by the Union.

No restriction of such fundamental rights is admissible unless prescribed by law and consistent with the principle of proportionality and the substance of the rights in question.

In the view of the European Council, such a Charter of Fundamental Rights of the European Union and any ancillary provisions required to enforce these rights should be drafted by a convention composed of members of the European Parliament and the legislative bodies of Member States, government delegates and a Representative of the European Commission.

Representatives of the European Court of Justice, of the Committee of the Regions and of the Economic and Social Committee should participate in an advisory capacity. Representatives of social groups and experts should be invited to give their views. Secretariat services should be provided by the General Secretariat of the Council.

This body should present a draft document in advance of the Paris 2000 European Council. The European Council will propose to the European Parliament and the Commission that, together with the Council, they should solemnly proclaim on the basis of the draft document a European Charter of Fundamental Rights. It will then have to be considered how the Charter should be integrated into the Treaties.

The European Council invites the European Parliament and the national Parliaments to participate in this historic task and mandates the General Affairs Council to take the necessary steps prior to the Tampere European Council.



**UNION EUROPEENNE  
LE CONSEIL**

**Bruxelles, le 28 juillet 1999**

**8344/99**

**LIMITE**

**CRS/CRP 23**

**COMPTE RENDU SOMMAIRE**  
**de la 1833ème réunion du**  
**COMITE DES REPRESENTANTS PERMANENTS**  
**tenue à Bruxelles, les 19, 20 et 21 mai 1999**

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**1. Approbation de l'ordre du jour provisoire et des points "I"**

docs 7851/99 OJ/CRP 20 (1ère partie)  
7888/99 OJ/CRP 20 (2ème partie)

L'ordre du jour provisoire susvisé est approuvé moyennant :

- le **retrait** des points suivants :

= (Coreper 2ème partie, pt OJ 26)

- \* Draft Council Resolution concerning a handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches  
docs 7830/99 ENFOPOL 33  
6197/2/99 ENFOPOL 13 REV 2

= (Coreper 2ème partie, pt OJ 29)

- \* Relations with Armenia
  - Conclusion of the Partnership and Cooperation Agreement  
doc 8338/99 NIS 43

= (Coreper 2ème partie, pt OJ 30)

- \* Relations with Azerbaijan
  - Conclusion of the Partnership and Cooperation Agreement  
doc 8339/99 NIS 44

= (Coreper 2ème partie, pt OJ 31)

- \* Relations with Georgia
  - Conclusion of the Partnership and Cooperation Agreement  
doc 8337/99 NIS 42

= (Coreper 2ème partie, pt OJ 32)

- \* Council's Rules of Procedure  
docs 8049/99 JUR 166  
8153/99 JUR 173

- **l'ajout** des points mentionnés ci-dessous :

= (Coreper 2ème partie, pt "I")

25. Flights ban with FRY : Draft Regulation  
doc 8428/99 PESC 152 COWEB 50

= (Coreper 2ème partie, pt "II")

42. EU Charter of Fundamental Rights

#### 42. **EU Charter of Fundamental Rights**

The Committee held an exchange of views on the Presidency initiative for an EU charter of Fundamental Rights as set out in the Presidency non-paper SN 2960/99 with a view to preparing deliberations in the Council (General Affairs) of 31 May 1999. The Presidency concluded that it will take due account of the views expressed in preparing the Council's discussion on this topic.

#### 43. **Eurodac implementing rules**

- **Commission proposal for a Regulation**
- **Implementing rules**  
doc. 8140/99 EURODAC 5

The Committee

- noted that the Commission should be in a position to present its proposal for a Regulation on Eurodac which was due to be adopted by the Commission on 26 May 1999
- agreed to submit the text of the draft implementing rules to the Council as an "A" item in accordance with the terms set out in 8140/99.

#### 44. **Kosovo: Temporary protection for displaced persons**

The Committee took note of the compromise text drawn up by the Presidency and agreed to invite the JHA Counsellors to examine that text and to report back to the Committee at its next session.

#### 45. **Draft Joint Position on negotiations relating to the Draft Convention on Cyber Crime held in the Council of Europe**

doc. 7325/2/99 CRIMORG 40 REV 2

La contribution concernant ce point fera l'objet d'un Addendum à ce document.

#### 46. **Draft Convention on mutual assistance in criminal matters between the Member States of the European Union**

doc. 8222/99 JUSTPEN 33

La contribution concernant ce point fera l'objet d'un Addendum à ce document.



**CONSEIL DE  
L'UNION EUROPEENNE**

**Bruxelles, le 30 juillet 1999**

**8735/99**

**LIMITE**

**CRS/CRP 24**

**COMPTE RENDU SOMMAIRE**

**de la 1834e réunion du  
COMITE des REPRESENTANTS PERMANENTS  
tenue à Bruxelles, les 26 et 28 mai 1999**

## Coreper 2ème partie

### 41. KOSOVO : Protection temporaire des personnes déplacées

La contribution concernant ce point fera l'objet d' un Adendum à ce document.

### 42. Préparation de la session du Conseil "Justice et affaires intérieures" des 27 et 28 mai 1999

The Committee discusses no other point of the agenda than the point which is dealt with under item 35 of this Committee's agenda

### 43. Comitologie

The Committee examined for the second time the compromise proposal on the reform of the regulatory procedure (Article 5) presented by the Presidency (document 8227/99). Two delegations expressed their difficulties with the compromise proposal.

The Presidency concluded that the General Affairs Council would examine the draft Comitology Decision at its meeting of 31 May.

### 44. UE – Charte des droits fondamentaux

The Committee held a short further exchange of views on the Presidency initiative for an EU CHARTER OF Fundamental Rights with a view of preparing deliberations in the Council (General Affairs) of 31 May. The Presidency concluded that it will take due account of the views expressed in preparing Council discussion on this topic.

*Presidency Conclusions - Cologne 3 and 4 June 1999*

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**PRESIDENCY CONCLUSIONS**

**COLOGNE EUROPEAN COUNCIL**

**3 AND 4 JUNE 1999**

*Presidency Conclusions - Cologne 3 and 4 June 1999*

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**I. INTRODUCTION**

1. The European Council met in Cologne on 3 and 4 June 1999 to consider major issues for the future following the entry into force of the Amsterdam Treaty.
2. The European Council involved the President designate of the Commission, Mr Romano Prodi, in its proceedings in order to discuss with him basic questions concerning European Union policy over the next few years. It welcomed Mr Prodi's presentation outlining the future Commission's work and reform programme. In that context, the European Council confirms that it would like to see the appointment procedure for the new Commission continued swiftly and completed as soon as possible after the European Parliament elections.
3. At the start of the proceedings an exchange of views was also conducted with the President of the European Parliament, Mr José María Gil-Robles, on the main topics for discussion.

**II. STAFFING DECISIONS**

4. The European Council took several major staffing decisions. Pursuant to the Amsterdam Treaty, it designated Mr Javier Solana Madariaga for the new post of Secretary-General of the Council and High Representative for the Common Foreign and Security Policy. It designated Mr Pierre de Boissieu as Deputy Secretary-General.

*Presidency Conclusions - Cologne 3 and 4 June 1999*

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**Area of freedom, security and justice**

43. The European Council calls attention to the action plan for the creation of an area of freedom, security and justice, which it approved in Vienna, and calls upon the institutions to press ahead swiftly with the action plan's implementation. It welcomes the fact that the European Parliament has approved a Resolution on the Vienna action plan and gave due consideration to this subject at a conference with Members of Parliament from the Member States on 22 and 23 March 1999. The results of the conference will be taken into consideration when the European Council establishes the political guidelines for future European justice and home affairs policy at its extraordinary meeting in Tampere on 15 and 16 October 1999.

**EU Charter of Fundamental Rights**

44. The European Council takes the view that, at the present stage of development of the European Union, the fundamental rights applicable at Union level should be consolidated in a Charter and thereby made more evident.
45. To this end it has adopted the Decision appended as Annex IV. The incoming Presidency is asked to establish the conditions for the implementation of this Decision by the time of the extraordinary meeting of the European Council in Tampere on 15 and 16 October 1999.

**Human rights**

46. The European Council takes note of the Presidency's interim report on human rights. It suggests that the question of the advisability of setting up a Union agency for human rights and democracy should be considered.



**ANNEX IV****EUROPEAN COUNCIL DECISION ON THE DRAWING UP OF A CHARTER OF  
FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION**

Protection of fundamental rights is a founding principle of the Union and an indispensable prerequisite for her legitimacy. The obligation of the Union to respect fundamental rights has been confirmed and defined by the jurisprudence of the European Court of Justice. There appears to be a need, at the present stage of the Union's development, to establish a Charter of fundamental rights in order to make their overriding importance and relevance more visible to the Union's citizens.

The European Council believes that this Charter should contain the fundamental rights and freedoms as well as basic procedural rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and derived from the constitutional traditions common to the Member States, as general principles of Community law. The Charter should also include the fundamental rights that pertain only to the Union's citizens. In drawing up such a Charter account should furthermore be taken of economic and social rights as contained in the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers (Article 136 TEC), insofar as they do not merely establish objectives for action by the Union.

In the view of the European Council, a draft of such a Charter of Fundamental Rights of the European Union should be elaborated by a body composed of representatives of the Heads of State and Government and of the President of the Commission as well as of members of the European Parliament and national parliaments. Representatives of the European Court of Justice should participate as observers. Representatives of the Economic and Social Committee, the Committee of the Regions and social groups as well as experts should be invited to give their views. Secretariat services should be provided by the General Secretariat of the Council.

This body should present a draft document in advance of the European Council in December 2000. The European Council will propose to the European Parliament and the Commission that, together with the Council, they should solemnly proclaim on the basis of the draft document a European Charter of Fundamental Rights. It will then have to be considered whether and, if so, how the Charter should be integrated into the treaties. The European Council mandates the General Affairs Council to take the necessary steps prior to the Tampere European Council.

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**EUROPEAN UNION  
THE COUNCIL**

**Brussels, 30 July 1999**

**10539/99**

**LIMITE**

**CAB 12**

## **REPORT**

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from : The Presidency

to : Permanent Representatives Committee

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*Subject : Composition, method of work and practical arrangements for the Body to elaborate a draft EU Charter of Fundamental rights*

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1. In order for the General Affairs Council to take the necessary steps prior to the Tampere European Council in October to implement the Cologne European Council decision on the creation of the Body the *ad hoc* Working Group mandated by COREPER has examined a Presidency options paper dealing with the composition, method of work and practical arrangements for that Body.
2. This *ad hoc* Group held two meetings in July at which good progress was achieved on various questions it addressed concerning the composition, method of work and practical arrangements for the Body. The attached paper reflects the outcome of the Group's work.
3. The Presidency considers that it will be essential to ensure in advance of the Tampere European Council that agreement exists on the composition and procedure of the Body among all its component parts. The Presidency will undertake the necessary contacts with the European Parliament. Each delegation has been invited to establish its own informal contacts with its Parliaments. Initial contacts will take place before COREPER on 8 September.

4. COREPER is invited to consider the following outstanding issues in order to finalise the attached text:

(a) **Composition of the Body (point A. (i) of the attachment)**

Agreement has been noted on the participation of fifteen representatives of Heads of State or Government and one representative of the President of the Commission. While some delegations noted that a link existed between the number of members to be fixed respectively for the European Parliament and national Parliaments, the overwhelming majority of delegations considered that there was no justification for parity of numbers. Since a number of Member States indicated that a minimum of two members of national Parliaments would be required in order to satisfy domestic constitutional requirements, a general orientation emerged in the Group in favour of accepting a figure of 30 for members of national Parliaments, provided a maximum of 7 or 8 members were designated by the European Parliament, allowing the latter the possibility to designate one member from each of the political groups if it so wishes.

The Presidency indicated that it would undertake initial informal contacts with the European Parliament on this basis prior to the COREPER meeting on 8 September and would report to delegations as soon as possible on the outcome of these consultations.

As far as national Parliaments are concerned, each delegation is invited to establish its own informal contacts with its national Parliament in advance of the COREPER meeting on 8 September.

COREPER is invited to confirm the general orientation emerged on the composition of the Body.

(b) **Chair (point A. (ii) of the attachment)**

While consensus appeared to exist on the fact that each of the three component parts of the Body (the representatives of the Heads of State or Government, a member of the European Parliament and a member of a national Parliament) should be represented on a "bureau" consisting of the Chairperson and Vice-Chairpersons, opinion is still divided on how the Body's chair should be selected.

A large majority of delegations supported Option 1, with the Body being chaired by the representative of the Presidency of the Council, given the clear link which existed between the Body and the European Council and the responsibility of the Presidency to lead the work to a successful conclusion.

Some delegations and the Commission preferred a permanent Chairperson to be designated for the duration of the Body's work, in order to ensure efficiency and continuity of proceedings. If Option 2 were to be followed, the question of how to designate the Chair would need to be considered (i.e. a permanent Chair selected from among the representatives of Heads of State or Government or elected by the Body from among its members).

COREPER is invited to consider this question.

**(c) Observers (point A. (iii) of the attachment)**

Agreement exists on inviting two representatives of the Court of Justice of the European Communities as observers. An overwhelming majority of delegations are also in favour of inviting the Council of Europe / European Court of Human Rights as an observer given its particular experience in the field of fundamental rights. The view was expressed, however, that the European Court of Human Rights should participate as an observer, with the Council of Europe being invited to give its views as an interested body.

COREPER is invited to:

- indicate whether observer status should be extended to the Council of Europe as such or be limited to the European Court of Human Rights;
- and confirm that the Tampere European Council should be invited to endorse this approach.

**(d) Drafting of the Charter (point B. (iii) of the attachment)**

All delegations recognise the need for the Chair to take a lead in the process of drafting the Charter. The Presidency has endeavoured in its proposal under point B. (iii) to emphasise the lead the Chair will take in this process, assisted by a Drafting Committee, and to indicate that account will be taken of drafting proposals submitted by any Member of the Body.

The main open issues for COREPER are:

- whether, in the process of drafting the Charter, there should be any Drafting Committee to assist the Chair;

- and, if so, whether it is sufficient for the Chair to be assisted by a small group composed of the "bureau" of Vice-Chairpersons, plus the representative of the President of the Commission, or whether, in order to take due account of the different legal and constitutional traditions in the Member States, all representatives of Heads of State or Government should be involved in this process, as a number of delegations have called for;
- or whether any decision to constitute a Drafting Committee should be left to the Body itself to decide, as some delegations have indicated.

In addition, certain Member States have expressed a wish to see representatives of all Heads of State or Government also involved in any *ad hoc* working groups which the Body may decide to set up.

(e) **Adoption of the Draft Charter by the Body (point B. (iv) of the attachment)**

There are three stages in the procedure for the proclamation of the Charter set out in the Cologne European Council conclusions, namely the establishment of the Draft Charter by the Body, the subsequent endorsement of the Charter by the European Council (via the normal channels), and the final joint solemn proclamation of the Charter by the European Parliament, the Commission and the Council. The attachment only deals with the first of these three stages.

A broad orientation exists in favour of the Chair leading discussions in the Body to a result which the Chair deems as meeting consensus within the Body. Some delegations have expressed doubts about this approach, and consider that further clarification is required on the procedure to be followed if any one member of the Body insists on amendments being made to the draft. It was also suggested that it should be left up to the Body to determine how the Charter should be adopted.

COREPER is invited to indicate whether the suggested approach is acceptable.

(f) **Venue for the Body (point C. (i) of the attachment)**

COREPER is invited to consider this point in the light of the Presidency's initial contacts with the European Parliament. In the event of meetings taking place alternately in the Council and European Parliament buildings, the cost of interpreting should be borne by the institution hosting the meeting.

(g) **Travel expenses for representatives of the Heads of State or Government**

This question is under examination by the General Secretariat of the Council.

**ANNEX****COMPOSITION, METHOD OF WORK AND PRACTICAL ARRANGEMENTS  
FOR THE BODY TO ELABORATE  
A DRAFT EU CHARTER OF FUNDAMENTAL RIGHTS****A. COMPOSITION OF THE BODY****(i) Members****(a) Heads of State or Government of Member States**

Fifteen representatives of the Heads of State or Government of Member States.

**(b) Commission**

One representative of the President of the European Commission.

**(c) European Parliament**

Seven or eight members of the European Parliament to be designated by itself.

**(d) National Parliaments**

Thirty members of national Parliaments (two from each national Parliament) to be designated by national Parliaments themselves.

Members of the European Parliament and national Parliaments may be replaced by alternates in the event of being unable to attend meetings of the Body.

**(ii) Chair****Option 1**

*The Body shall be presided by the representative of the Presidency of the Council.*

*The representative of the incoming Presidency of the Council, a member of the European Parliament and a member of a national Parliament shall act as Vice-Chairpersons of the Body.*

**Option 2****Alternative A**

*The Body shall be presided by a permanent Chairperson who shall be selected from among the representatives of the Heads of State or Government by the European Council.*

*The representative of the incoming Presidency of the Council, a member of the European Parliament as well as a member of a national Parliament shall act as Vice-Chairpersons of the Body.*

**Alternative B**

*The Body shall be presided by a permanent Chairperson who shall be elected from among its members by the Body itself.*

*If the Chairperson is elected from among the representatives of the Heads of State or Government, the representative of the incoming Presidency of the Council, a member of the European Parliament and a member of a national Parliament shall act as Vice-Chairpersons of the Body.*

*If the Chairperson is elected from among the members of the European Parliament, the representative of the Presidency of the Council and the representative of the incoming Presidency of the Council as well as a member of a national Parliament shall act as Vice-Chairpersons of the Body.*

*If the Chairperson is elected from among the members of the national Parliaments, the representative of the Presidency of the Council, the representative of the incoming Presidency of the Council and a member of the European Parliament shall act as Vice-Chairpersons of the Body.*

**(iii) Observers**

Two representatives of the Court of Justice of the European Communities to be designated by the Court.

Two representatives of the Council of Europe, including one from the European Court of Human Rights.

**(iv) Bodies of the European Union to be invited to give their views**

The Economic and Social Committee

The Committee of the Regions

The Ombudsman

**(v) Exchange of views with the applicant States**

An appropriate exchange of views should be held by the Body with the applicant States.



**(vi) Other bodies, social groups or experts to be invited to give their views**

Other bodies, social groups and experts may be invited by the Body to give their views.

**(vii) Secretariat**

The General Secretariat of the Council shall provide the Body with secretariat services.

**B. WORKING METHODS OF THE BODY****(i) Preparation**

The Chair of the Body shall propose a work plan for the Body and perform other appropriate preparatory work.

**(ii) Transparency of the proceedings**

In principle, hearings held by the Body and documents submitted in such hearings should be made public. More detailed rules on transparency should be established by the Body itself.

**(iii) Drafting of the Charter**

On the basis of the work plan agreed on by the Body, its Chair, assisted by the Secretariat and taking account of drafting proposals submitted by any member of the Body, shall elaborate a preliminary Draft Charter or parts of it.

**Option 1**

*In this task, the Chair shall also be assisted by a Drafting Committee composed of the Vice-Chairpersons and the representative of the President of the Commission [ as well as the representatives of Heads of State or Government ]. This preliminary draft, or parts of it, shall be presented to the Body. The Chair may convene this Committee as necessary between the sessions of the Body.*

**Option 2**

*The Body shall decide on whether to constitute a Drafting Committee and on its composition.*

The Body may establish *ad hoc* working groups to deal with different aspects of the Charter.

**(iv) Adoption of the Draft Charter by the Body**

A final Draft Charter is established when the Chair deems that there is consensus within the Body.

## C. PRACTICAL ARRANGEMENTS

### (i) **Venue**

The Body shall hold its meetings in Brussels:

#### *Option 1*

*In the Council building*

#### *Option 2*

*Alternately in the Council and the European Parliament buildings*

### (ii) **Language regime**

A complete language regime shall be applicable for sessions of the Body.

### (iii) **Cost of interpreting**

The question of who should pay for interpreting services is linked to the outcome of the examination under (iv) below and to the venue selected for the Body.

### (iv) **Travel expenses for members of the Body**

All of the participants shall bear their own travel expenses. The question of whether representatives of the Heads of State or Government should be reimbursed by the Council requires further examination.

The question of who should pay for travel expenses of those invited to attend sessions of the Body will require further examination.



**CONSEIL DE  
L'UNION EUROPEENNE**

**Bruxelles, le 15 octobre 1999  
(OR. f/en)**

**10871/99**

**LIMITE**

**CRS/CRP 34**

**COMPTE RENDU SOMMAIRE**

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de la : 1843ème réunion du COMITE DES REPRESENTANTS PERMANENTS  
tenue à Bruxelles le 8 septembre 1999

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## 10. Etat des procédures écrites

Le Comité prend acte des documents établis par le Secrétariat Général du Conseil en date du 22 juillet 1999 (doc. 10188/99 EPE 29 PE 64) et du 7 septembre 1999 (doc. 10674/99 EPE 30 PE 67)

## 11. Problème du bruit des avions : perspectives à court et long termes

Le Comité prend note de l'état des contacts de la Commission avec l'administration américaine ainsi que des commentaires formulés à ce sujet par les diverses délégations. Il reviendra sur ce dossier lors de sa réunion du 22 septembre.

### (Coreper 2ème partie)

## II

### 33. Charte des droits fondamentaux: procédure

doc. 10539/99 CAB 12

The Committee had a discussion on the composition , method of work and practical arrangements for the Body to elaborate a chart EU Charter of Fundamental Rights, on the basis of doc. 10539/99 CAB 12. The Chairman concluded that the Presidency would come back to the Committee with a revised document later, so that agreement could be reached by the October General Affairs Council, shortly before the Tampere European Council.

### 34. TVA : Taux réduit pour les services à forte intensité de main-d'oeuvre

#### – Liste de services

doc. 10288/99 FISC 173

Le Comité procède à un nouvel échange de vues à ce propos sur la base d'un compromis de la Présidence tel qu'exposé au document 10288/99 FISC 173.

A l'issue de ce débat, le Comité

- convient de compléter le compromis de la Présidence par une déclaration à inscrire au procès-verbal du Conseil aux termes de laquelle on entend par "cas exceptionnel" (que peut conduire à une autorisation d'un Etat membre d'appliquer le taux réduit TVA à trois catégories de services mentionnés à l'Annexe K de la 6ème Directive TVA), notamment le cas où l'impact économique des deux catégories de services déjà choisis est peu important ;



**EUROPEAN UNION  
THE COUNCIL**

**Brussels, 23 September 1999**

**11243/99**

**LIMITE**

**CAB 14**

**NOTE**

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from : The Presidency  
to : Permanent Representatives Committee

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Subject : *Composition, method of work and practical arrangements for the Body to elaborate a draft EU Charter of Fundamental Rights*

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In the light of discussions in Coreper on 8 September, the Presidency submits a revised proposal concerning the composition, method of work and practical arrangements for the Body to elaborate a draft Charter of Fundamental Rights.

**ANNEX****COMPOSITION, METHOD OF WORK AND PRACTICAL ARRANGEMENTS  
FOR THE BODY TO ELABORATE  
A DRAFT EU CHARTER OF FUNDAMENTAL RIGHTS****A. COMPOSITION OF THE BODY****(i) Members****(a) Heads of State or Government of Member States**

Fifteen representatives of the Heads of State or Government of Member States.

**(b) Commission**

One representative of the President of the European Commission.

**(c) European Parliament**

*[Between 12 and 15]* members of the European Parliament to be designated by itself.

**(d) National Parliaments**

Thirty members of national Parliaments (two from each national Parliament) to be designated by national Parliaments themselves.

Members of the Body may be replaced by alternates in the event of being unable to attend meetings of the Body.

**(ii) Presidency of the Body**

The representative of the President of the European Council shall be the Chairperson of the Body.

A member of the European Parliament, a member of a national Parliament and the representative of the incoming President of the European Council, shall act as Vice-Chairpersons of the Body. The member of the European Parliament acting as Vice-Chairperson shall be elected by the members of the European Parliament serving on the Body. The member of a national Parliament acting as Vice-Chairperson shall be elected by the members of national Parliaments serving on the Body.

The Chairperson and the Vice-Chairpersons shall jointly constitute the Presidency of the Body for the purpose of the following provisions.



**(iii) Observers**

Two representatives of the Court of Justice of the European Communities to be designated by the Court.

Two representatives of the Council of Europe, including one from the European Court of Human Rights.

**(iv) Bodies of the European Union to be invited to give their views**

The Economic and Social Committee

The Committee of the Regions

The Ombudsman

**(v) Exchange of views with the applicant States**

An appropriate exchange of views should be held by the Body or by the Presidency with the applicant States.

**(vi) Other bodies, social groups or experts to be invited to give their views**

Other bodies, social groups and experts may be invited by the Body to give their views.

**(vii) Secretariat**

The General Secretariat of the Council shall provide the Body with secretariat services. To ensure proper coordination, close contacts will be established with the General Secretariat of the European Parliament and, to the extent necessary, with the secretariats of the national parliaments.

**B. WORKING METHODS OF THE BODY****(i) Preparation**

The Presidency of the Body shall propose a work plan for the Body and perform other appropriate preparatory work.

**(ii) Transparency of the proceedings**

In principle, hearings held by the Body and documents submitted at such hearings should be public.

**(iii) Drafting of the Charter**

On the basis of the work plan agreed by the Body, the Presidency, assisted by the Secretariat and taking account of drafting proposals submitted by any member of the Body, shall elaborate a preliminary Draft Charter.

In this task, the Presidency of the Body shall be assisted by the representative of the President of the Commission.

The Body may establish *ad hoc* working groups to deal with different aspects of the Charter.

**(iv) Adoption of the Draft Charter by the Body**

When the Presidency of the Body deems that the text of the draft Charter elaborated by the Body [*can be subscribed to by all parties*] [*meets with general agreement within the Body*], it shall be forwarded to the European Council through the normal preparatory procedure.

**(v) Solemn proclamation of a European Charter of Fundamental Rights**

The European Council will propose to the European Parliament and the Commission that, together with the Council, they should solemnly proclaim on the basis of the draft a European Charter of Fundamental Rights.

## C. PRACTICAL ARRANGEMENTS

The Body shall hold its meetings in Brussels, alternately in the Council and the European Parliament buildings.

A complete language regime shall be applicable for sessions of the Body.

Participants shall bear their own travel expenses. The question of whether representatives of the Heads of State or Government should be reimbursed by the Council requires further examination<sup>1</sup>.

The question of who should pay for travel expenses of those invited to attend sessions of the Body will require further examination.

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<sup>1</sup> The question of who should pay for interpreting services is linked to this examination.



**CONSEIL DE  
L'UNION EUROPEENNE**

**Bruxelles, le 5 novembre 1999**

**11865/99**

**LIMITE**

**CRS/CRP 37**

**COMPTE RENDU SOMMAIRE**

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**Objet : 1846ème réunion du COMITE DES REPRESENTANTS PERMANENTS  
tenue à Bruxelles le 29 septembre et le 1er octobre 1999**

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**12. Proposition modifiée de directive du Parlement européen et du Conseil relative au droit de suite au profit de l'auteur d'une oeuvre d'art originale**

docs 8834/99 PI 30 CULTURE 37 CODEC 304

8851/99 PI 31 CULTURE 38 CODEC 306

Le Comité :

- procède à un échange de vues sur la base d'éléments présentés par la Présidence ;
- prend acte de l'intention de la Présidence :
  - = d'inscrire ce point à l'ordre du jour de la session du Conseil (Marché intérieur) du 28 octobre 1999 ;
  - = dans ce contexte, d'en reprendre l'examen au niveau du Comité à sa réunion du 13 ou du 15 octobre 1999.

**13. Etat des procédures écrites**

Le Comité prend acte du document établi par le Secrétariat Général du Conseil en date du 30 septembre 1999 (cf. document 11248/99 EPE 33 PE 71).

(Coreper, 2ème partie)

**II****30. Charte des droits fondamentaux**

doc. 11243/99 CAB 14

The Committee discussed the composition, method of work and practical arrangements of the Body to elaborate a draft Charter of Fundamental Rights.

The Chairman concluded that, while a broad consensus had been reached on most questions, the major outstanding issue related to the Presidency of the Body would be submitted to Ministers at the General Affairs Council on 11 October, where overall agreement should be achieved.



**THE COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 October 1999**

**11475/99**

**LIMITE**

**CAB 15**

## **REPORT**

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from : The Presidency

to : Council

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Subject : *Composition, method of work and practical arrangements for the Body to elaborate a draft EU Charter of Fundamental Rights*

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1. The Cologne European Council decided that a Charter of Fundamental Rights of the European Union should be drawn up and that a draft of such a Charter should be elaborated by a Body composed of representatives of the Heads of State or Government and of the President of the European Commission as well as of members of the European Parliament and national parliaments. It mandated the Council to take the necessary steps, prior to the Tampere European Council, for that Body to begin its work, i.e. to decide on its composition, method of work and practical arrangements.
2. COREPER discussed this subject on 8 and on 29 September. The Presidency informed the European Parliament Committee on Constitutional Affairs on 2 September, and the European Parliament adopted a resolution on the matter on 16 September. COREPER's work has shown that a broad consensus exists in favour of the attached compromise proposal submitted by the Presidency.

3. One major issue needs be resolved by Ministers. This relates to the Chairperson of the Body, for which two options have been put forward:
  - the option which is set out in the Annex (point A (ii)) and supported by a clear majority of delegations is for a rotating Chair of the Body exercised by the representative of the respective President of the European Council;
  - a second option, supported by a few delegations, would involve a permanent chair being designated either by the European Council or by the Body itself.
4. The Council is invited to reach agreement on the text enclosed and to forward it to the Tampere European Council.
5. The question of reimbursing the costs of interpreting and travel of the different participants still has to be examined in due course by COREPER.

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**ANNEX****COMPOSITION, METHOD OF WORK AND PRACTICAL ARRANGEMENTS  
FOR THE BODY TO ELABORATE  
A DRAFT EU CHARTER OF FUNDAMENTAL RIGHTS****A. COMPOSITION OF THE BODY****(i) Members****(a) Heads of State or Government of Member States**

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**(b) Commission**

One representative of the President of the European Commission.

**(c) European Parliament**

Sixteen members of the European Parliament to be designated by itself.

**(d) National Parliaments**

Thirty members of national Parliaments (two from each national Parliament) to be designated by national Parliaments themselves.

Members of the Body may be replaced by alternates in the event of being unable to attend meetings of the Body.

**(ii) Chairperson and Vice-Chairpersons of the Body**

The Chairperson of the Body shall be the representative of the President of the European Council. A member of the European Parliament, a member of a national Parliament and the representative of the incoming President of the European Council, shall act as Vice-Chairpersons of the Body.

The member of the European Parliament acting as Vice-Chairperson shall be elected by the members of the European Parliament serving on the Body. The member of a national Parliament acting as Vice-Chairperson shall be elected by the members of national Parliaments serving on the Body.



**(iii) Observers**

Two representatives of the Court of Justice of the European Communities to be designated by the Court.

Two representatives of the Council of Europe, including one from the European Court of Human Rights.

**(iv) Bodies of the European Union to be invited to give their views**

The Economic and Social Committee

The Committee of the Regions

The Ombudsman

**(v) Exchange of views with the applicant States**

An appropriate exchange of views should be held by the Body or by the Chairperson with the applicant States.

**(vi) Other bodies, social groups or experts to be invited to give their views**

Other bodies, social groups and experts may be invited by the Body to give their views.

**(vii) Secretariat**

The General Secretariat of the Council shall provide the Body with secretariat services. To ensure proper coordination, close contacts will be established with the General Secretariat of the European Parliament, with the Commission and, to the extent necessary, with the secretariats of the national Parliaments.

## B. WORKING METHODS OF THE BODY

### (i) Preparation

The Chairperson of the Body shall, in close concertation with the Vice-Chairpersons, propose a work plan for the Body and perform other appropriate preparatory work.

### (ii) Transparency of the proceedings

In principle, hearings held by the Body and documents submitted at such hearings should be public.

### (iii) Working groups

The Body may establish *ad hoc* working groups, which shall be open to all members of the Body.

### (iv) Drafting

On the basis of the work plan agreed by the Body, a Drafting Committee composed of the Chairperson, the Vice-Chairpersons and the representative of the Commission and assisted by the General Secretariat of the Council, shall elaborate a preliminary Draft Charter, taking account of drafting proposals submitted by any member of the Body.

Each of the three Vice-Chairpersons shall regularly consult with the respective component part of the Body from which he or she emanates.

### (v) Elaboration of the Draft Charter by the Body

When the Chairperson, in close concertation with the Vice-Chairpersons, deems that the text of the draft Charter elaborated by the Body can eventually be subscribed to by all the parties, it shall be forwarded to the European Council through the normal preparatory procedure.

## C. PRACTICAL ARRANGEMENTS

The Body shall hold its meetings in Brussels, alternately in the Council and the European Parliament buildings.

A complete language regime shall be applicable for sessions of the Body.



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 December 1999**

**11745/99**

**LIMITE**

**PV/CONS 55**

**DRAFT MINUTES**

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Subject: **2206th** Council meeting (**General Affairs**), held in Luxembourg,  
11 October 1999

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4. **Preparation of the European Council (Tampere, 15/16 October 1999)**

doc. 11617/1/99 JAI 82 PESC 343 AG 36 REV 1

+ COR 1(en)

The President informed the Council about the almost completed tour of capitals undertaken by the President of the European Council. Regarding the issue of enhanced and more coherent external action of the Union in the field of Justice and Home Affairs, the Council endorsed the contents of doc. 11617/1/99 + COR 1 (en).

5. **Charter of Fundamental Rights**

doc. 11475/99 CAB 15

After a short discussion on whether there should be a rotating or permanent Chair for the Body intended to elaborate a draft EU Charter of Fundamental Rights, the President concluded that the Council was able to agree on the composition, method of work and practical arrangements for the Body as set out in doc. 11475/99 CAB 15.

6. **ESDP military and non-military crisis management: preparation in view of the European Council in Helsinki**

The Council took note of the Presidency's oral report on the state of play concerning the preparation of its report to the Helsinki European Council on security and defence policy, both on the military and non-military aspects of crisis management. The Presidency stressed its intention to put forward a substantial report.

## PRESIDENCY CONCLUSIONS

### TAMPERE EUROPEAN COUNCIL

#### 15 AND 16 OCTOBER 1999

The European Council held a special meeting on 15 and 16 October 1999 in Tampere on the creation of an area of freedom, security and justice in the European Union. At the start of proceedings an exchange of views was conducted with the President of the European Parliament, Mrs Nicole Fontaine, on the main topics of discussion.

The European Council is determined to develop the Union as an area of freedom, security and justice by making full use of the possibilities offered by the Treaty of Amsterdam. The European Council sends a strong political message to reaffirm the importance of this objective and has agreed on a number of policy orientations and priorities which will speedily make this area a reality.

The European Council will place and maintain this objective at the very top of the political agenda. It will keep under constant review progress made towards implementing the necessary measures and meeting the deadlines set by the Treaty of Amsterdam, the Vienna Action Plan and the present conclusions. The Commission is invited to make a proposal for an appropriate scoreboard to that end. The European Council underlines the importance of ensuring the necessary transparency and of keeping the European Parliament regularly informed. It will hold a full debate assessing progress at its December meeting in 2001.

In close connection with the area of freedom, security and justice, the European Council has agreed on the composition, method of work and practical arrangements (attached in the annex) for the body entrusted with drawing up a draft Charter of fundamental rights of the European Union. It invites all parties involved to ensure that work on the Charter can begin rapidly.

The European Council expresses its gratitude for the work of the outgoing Secretary-General of the Council, Mr. Jürgen Trumpf, and in particular for his contribution to the development of the Union following the entry into force of the Treaty of Amsterdam.

Given that one of the focal points of the Union's work in the years ahead will be to strengthen the common foreign and security policy, including developing a European security and defence policy, the European Council expects the new Secretary-General of the Council and High Representative for the CFSP, Mr. Javier Solana, to make a key contribution to this objective. Mr. Solana will be able to rely on the full backing of the European Council in exercising his powers according to Article 18(3) of the Treaty so he can do full justice to his tasks. His responsibilities will include co-operating with the Presidency to ensure that deliberations and action in foreign and security policy matters are efficiently conducted with the aim of fostering continuity and consistency of policy on the basis of the common interests of the Union.

#### TOWARDS A UNION OF FREEDOM, SECURITY AND JUSTICE:

##### THE TAMPERE MILESTONES

1. From its very beginning European integration has been firmly rooted in a shared commitment to freedom based on human rights, democratic institutions and the rule of law. These common values have proved necessary for securing peace and developing prosperity in the European Union. They will also serve as a cornerstone for the enlarging Union.
2. The European Union has already put in place for its citizens the major ingredients of a shared area of prosperity and peace: a single market, economic and monetary union, and the capacity to take on global political and economic challenges. The challenge of the Amsterdam Treaty is now to ensure that freedom, which includes the right to move freely throughout the Union, can be enjoyed in conditions of security and justice accessible to all. It is a project which responds to the frequently expressed concerns of citizens and has a direct bearing on their daily lives.
3. This freedom should not, however, be regarded as the exclusive preserve of the Union's own citizens. Its very existence acts as a draw to many others world-wide who cannot enjoy the freedom Union citizens take for granted. It would be in contradiction with Europe's traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to our territory. This in turn requires the Union to develop common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration and to combat those who organise it and commit related international crimes. These common policies must be based on principles which are both clear to our own citizens and also offer guarantees to those who seek protection in or access to the European Union.
4. The aim is an open and secure European Union, fully committed to the obligations of the Geneva Refugee Convention and other relevant human rights instruments, and able to respond to humanitarian needs on the basis of solidarity. A common approach must also be developed to ensure the integration into our societies of those third country nationals who are lawfully resident in the Union.

5. The enjoyment of freedom requires a genuine area of justice, where people can approach courts and authorities in any Member State as easily as in their own. Criminals must find no ways of exploiting differences in the judicial systems of Member States. Judgements and decisions should be respected and enforced throughout the Union, while safeguarding the basic legal certainty of people and economic operators. Better compatibility and more convergence between the legal systems of Member States must be achieved.
6. People have the right to expect the Union to address the threat to their freedom and legal rights posed by serious crime. To counter these threats a common effort is needed to prevent and fight crime and criminal organisations throughout the Union. The joint mobilisation of police and judicial resources is needed to guarantee that there is no hiding place for criminals or the proceeds of crime within the Union.
7. The area of freedom, security and justice should be based on the principles of transparency and democratic control. We must develop an open dialogue with civil society on the aims and principles of this area in order to strengthen citizens' acceptance and support. In order to maintain confidence in authorities, common standards on the integrity of authorities should be developed.
8. The European Council considers it essential that in these areas the Union should also develop a capacity to act and be regarded as a significant partner on the international scene. This requires close co-operation with partner countries and international organisations, in particular the Council of Europe, OSCE, OECD and the United Nations.
9. The European Council invites the Council and the Commission, in close co-operation with the European Parliament, to promote the full and immediate implementation of the Treaty of Amsterdam on the basis of the Vienna Action Plan and of the following political guidelines and concrete objectives agreed here in Tampere.

## A. A COMMON EU ASYLUM AND MIGRATION POLICY

10. The separate but closely related issues of asylum and migration call for the development of a common EU policy to include the following elements.

### I. Partnership with countries of origin

11. The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development.

12. In this context, the European Council welcomes the report of the High Level Working Group on Asylum and Migration set up by the Council, and agrees on the continuation of its mandate and on the drawing up of further Action Plans. It considers as a useful contribution the first action plans drawn up by that Working Group, and approved by the Council, and invites the Council and the Commission to report back on their implementation to the European Council in December 2000.

### II. A Common European Asylum System

13. The European Council reaffirms the importance the Union and Member States attach to absolute respect of the right to seek asylum. It has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement.

14. This System should include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status. It should also be completed with measures on subsidiary forms of protection offering an appropriate status to any person in need of such protection. To that end, the Council is urged to adopt, on the basis of Commission proposals, the necessary decisions according to the timetable set in the Treaty of Amsterdam and the Vienna Action Plan. The European Council stresses the importance of consulting UNHCR and other international organisations.

15. In the longer term, Community rules should lead to a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union. The Commission is asked to prepare within one year a communication on this matter.

16. The European Council urges the Council to step up its efforts to reach agreement on the issue of temporary protection for displaced persons on the basis of solidarity between Member States. The European Council believes that consideration should be given to making some form of financial reserve available in situations of mass influx of refugees for temporary protection. The Commission is invited to explore the possibilities for this.

17. The European Council urges the Council to finalise promptly its work on the system for the identification of asylum seekers (Eurodac).

### III. Fair treatment of third country nationals

18. The European Union must ensure fair treatment of third country nationals who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia.

19. Building on the Commission Communication on an Action Plan against Racism, the European Council calls for the fight against racism and xenophobia to be stepped up. The Member States will draw on best practices and experiences. Co-operation with the European Monitoring Centre on Racism and Xenophobia and the Council of Europe will be further strengthened. Moreover, the Commission is invited to come forward as soon as possible with proposals implementing Article 13 of the EC Treaty on the fight against racism and xenophobia. To fight against discrimination more generally the Member States are encouraged to draw up national programmes.

20. The European Council acknowledges the need for approximation of national legislations on the conditions for admission and residence of third country nationals, based on a shared assessment of the economic and demographic developments within the Union, as well as the situation in the countries of origin. It requests to this end rapid decisions by the Council, on the basis of proposals by the Commission. These decisions should take into account not only the reception capacity of each Member State, but also their historical and cultural links with the countries of origin.

21. The legal status of third country nationals should be approximated to that of Member States' nationals. A person, who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit, should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by EU citizens; e.g. the right to reside, receive education, and work as an employee or self-employed person, as well as the principle of non-discrimination vis-à-vis the citizens of the State of residence. The European Council endorses the objective that long-term legally resident third country nationals be offered the opportunity to obtain the nationality of the Member State in which they are resident.

### IV. Management of migration flows

22. The European Council stresses the need for more efficient management of migration flows at all their stages. It calls for the development, in close co-operation with countries of origin and transit, of information campaigns on the actual possibilities for legal immigration, and for the prevention of all forms of trafficking in human beings. A common active policy on visas and false documents should be further developed, including closer co-operation between EU consulates in third countries and, where necessary, the establishment of common EU visa issuing offices.

23. The European Council is determined to tackle at its source illegal immigration, especially by combating those who engage in trafficking in human beings and economic exploitation of migrants. It urges the adoption of legislation foreseeing severe sanctions against this serious crime. The Council is invited to adopt by the end of 2000, on the basis of a proposal by the Commission, legislation to this end. Member States, together with Europol, should direct their efforts to detecting and dismantling the criminal networks involved. The rights of the victims of such activities shall be secured with special emphasis on the problems of women and children.

24. The European Council calls for closer co-operation and mutual technical assistance between the Member States' border control services, such as exchange programmes and technology transfer, especially on maritime borders, and for the rapid inclusion of the applicant States in this co-operation. In this context, the Council welcomes the memorandum of understanding between Italy and Greece to enhance co-operation between the two countries in the Adriatic and Ionian seas in combating organised crime, smuggling and trafficking of persons.

25. As a consequence of the integration of the Schengen acquis into the Union, the candidate countries must accept in full that acquis and further measures building upon it. The European Council stresses the importance of the effective control of the Union's future external borders by specialised trained professionals.

26. The European Council calls for assistance to countries of origin and transit to be developed in order to promote voluntary return as well as to help the authorities of those countries to strengthen their ability to combat effectively trafficking in human beings and to cope with their readmission obligations towards the Union and the Member States.

27. The Amsterdam Treaty conferred powers on the Community in the field of readmission. The European Council invites the Council to conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries. Consideration should also be given to rules on internal readmission.

## B. A GENUINE EUROPEAN AREA OF JUSTICE

28. In a genuine European Area of Justice individuals and businesses should not be prevented or discouraged from exercising their rights by the incompatibility or complexity of legal and administrative systems in the Member States.

**V. Better access to justice in Europe**

29. In order to facilitate access to justice the European Council invites the Commission, in co-operation with other relevant fora, such as the Council of Europe, to launch an information campaign and to publish appropriate "user guides" on judicial co-operation within the Union and on the legal systems of the Member States. It also calls for the establishment of an easily accessible information system to be maintained and up-dated by a network of competent national authorities.

30. The European Council invites the Council, on the basis of proposals by the Commission, to establish minimum standards ensuring an adequate level of legal aid in cross-border cases throughout the Union as well as special common procedural rules for simplified and accelerated cross-border litigation on small consumer and commercial claims, as well as maintenance claims, and on uncontested claims. Alternative, extra-judicial procedures should also be created by Member States.

31. Common minimum standards should be set for multilingual forms or documents to be used in cross-border court cases throughout the Union. Such documents or forms should then be accepted mutually as valid documents in all legal proceedings in the Union.

32. Having regard to the Commission's communication, minimum standards should be drawn up on the protection of the victims of crime, in particular on crime victims' access to justice and on their rights to compensation for damages, including legal costs. In addition, national programmes should be set up to finance measures, public and non-governmental, for assistance to and protection of victims.

**VI. Mutual recognition of judicial decisions**

33. Enhanced mutual recognition of judicial decisions and judgements and the necessary approximation of legislation would facilitate co-operation between authorities and the judicial protection of individual rights. The European Council therefore endorses the principle of mutual recognition which, in its view, should become the cornerstone of judicial co-operation in both civil and criminal matters within the Union. The principle should apply both to judgements and to other decisions of judicial authorities.

34. In civil matters the European Council calls upon the Commission to make a proposal for further reduction of the intermediate measures which are still required to enable the recognition and enforcement of a decision or judgement in the requested State. As a first step these intermediate procedures should be abolished for titles in respect of small consumer or commercial claims and for certain judgements in the field of family litigation (e.g. on maintenance claims and visiting rights). Such decisions would be automatically recognised throughout the Union without any intermediate proceedings or grounds for refusal of enforcement. This could be accompanied by the setting of minimum standards on specific aspects of civil procedural law.

35. With respect to criminal matters, the European Council urges Member States to speedily ratify the 1995 and 1996 EU Conventions on extradition. It considers that the formal extradition procedure should be abolished among the Member States as far as persons are concerned who are fleeing from justice after having been finally sentenced, and replaced by a simple transfer of such persons, in compliance with Article 6 TEU. Consideration should also be given to fast track extradition procedures, without prejudice to the principle of fair trial. The European Council invites the Commission to make proposals on this matter in the light of the Schengen Implementing Agreement.

36. The principle of mutual recognition should also apply to pre-trial orders, in particular to those which would enable competent authorities quickly to secure evidence and to seize assets which are easily movable; evidence lawfully gathered by one Member State's authorities should be admissible before the courts of other Member States, taking into account the standards that apply there.

37. The European Council asks the Council and the Commission to adopt, by December 2000, a programme of measures to implement the principle of mutual recognition. In this programme, work should also be launched on a European Enforcement Order and on those aspects of procedural law on which common minimum standards are considered necessary in order to facilitate the application of the principle of mutual recognition, respecting the fundamental legal principles of Member States.

**VII. Greater convergence in civil law**

38. The European Council invites the Council and the Commission to prepare new procedural legislation in cross-border cases, in particular on those elements which are instrumental to smooth judicial co-operation and to enhanced access to law, e.g. provisional measures, taking of evidence, orders for money payment and time limits.

39. As regards substantive law, an overall study is requested on the need to approximate Member States' legislation in civil matters in order to eliminate obstacles to the good functioning of civil proceedings. The Council should report back by 2001.

**C. A UNIONWIDE FIGHT AGAINST CRIME**

40. The European Council is deeply committed to reinforcing the fight against serious organised and transnational crime. The high level of safety in the area of freedom, security and justice presupposes an efficient and comprehensive approach in the fight against all forms of crime. A balanced development of unionwide measures against crime should be achieved while protecting the freedom and legal rights of individuals and economic operators.



**VIII. Preventing crime at the level of the Union**

41. The European Council calls for the integration of crime prevention aspects into actions against crime as well as for the further development of national crime prevention programmes. Common priorities should be developed and identified in crime prevention in the external and internal policy of the Union and be taken into account when preparing new legislation.

42. The exchange of best practices should be developed, the network of competent national authorities for crime prevention and co-operation between national crime prevention organisations should be strengthened and the possibility of a Community funded programme should be explored for these purposes. The first priorities for this co-operation could be juvenile, urban and drug-related crime.

**IX. Stepping up co-operation against crime**

43. Maximum benefit should be derived from co-operation between Member States' authorities when investigating cross-border crime in any Member State. The European Council calls for joint investigative teams as foreseen in the Treaty to be set up without delay, as a first step, to combat trafficking in drugs and human beings as well as terrorism. The rules to be set up in this respect should allow representatives of Europol to participate, as appropriate, in such teams in a support capacity.

44. The European Council calls for the establishment of a European Police Chiefs operational Task Force to exchange, in co-operation with Europol, experience, best practices and information on current trends in cross-border crime and contribute to the planning of operative actions.

45. Europol has a key role in supporting unionwide crime prevention, analyses and investigation. The European Council calls on the Council to provide Europol with the necessary support and resources. In the near future its role should be strengthened by means of receiving operational data from Member States and authorising it to ask Member States to initiate, conduct or coordinate investigations or to create joint investigative teams in certain areas of crime, while respecting systems of judicial control in Member States.

46. To reinforce the fight against serious organised crime, the European Council has agreed that a unit (EUROJUST) should be set up composed of national prosecutors, magistrates, or police officers of equivalent competence, detached from each Member State according to its legal system. EUROJUST should have the task of facilitating the proper coordination of national prosecuting authorities and of supporting criminal investigations in organised crime cases, notably based on Europol's analysis, as well as of co-operating closely with the European Judicial Network, in particular in order to simplify the execution of letters rogatory. The European Council requests the Council to adopt the necessary legal instrument by the end of 2001.

47. A European Police College for the training of senior law enforcement officials should be established. It should start as a network of existing national training institutes. It should also be open to the authorities of candidate countries.

48. Without prejudice to the broader areas envisaged in the Treaty of Amsterdam and in the Vienna Action Plan, the European Council considers that, with regard to national criminal law, efforts to agree on common definitions, incriminations and sanctions should be focused in the first instance on a limited number of sectors of particular relevance, such as financial crime (money laundering, corruption, Euro counterfeiting), drugs trafficking, trafficking in human beings, particularly exploitation of women, sexual exploitation of children, high tech crime and environmental crime.

49. Serious economic crime increasingly has tax and duty aspects. The European Council therefore calls upon Member States to provide full mutual legal assistance in the investigation and prosecution of serious economic crime.

50. The European Council underlines the importance of addressing the drugs problem in a comprehensive manner. It calls on the Council to adopt the 2000-2004 European Strategy against Drugs before the European Council meeting in Helsinki.

**X. Special action against money laundering**

51. Money laundering is at the very heart of organised crime. It should be rooted out wherever it occurs. The European Council is determined to ensure that concrete steps are taken to trace, freeze, seize and confiscate the proceeds of crime.

52. Member States are urged to implement fully the provisions of the Money Laundering Directive, the 1990 Strasbourg Convention and the Financial Action Task Force recommendations also in all their dependent territories.

53. The European Council calls for the Council and the European Parliament to adopt as soon as possible the draft revised directive on money laundering recently proposed by the Commission.

54. With due regard to data protection, the transparency of financial transactions and ownership of corporate entities should be improved and the exchange of information between the existing financial intelligence units (FIU) regarding suspicious transactions expedited. Regardless of secrecy provisions applicable to banking and other commercial activity, judicial authorities as well as FIUs must be entitled, subject to judicial control, to receive information when such information is necessary to investigate money laundering. The European Council calls on the Council to adopt the necessary provisions to this end.

55. The European Council calls for the approximation of criminal law and procedures on money laundering (e.g. tracing, freezing and

confiscating funds). The scope of criminal activities which constitute predicate offences for money laundering should be uniform and sufficiently broad in all Member States.

56. The European Council invites the Council to extend the competence of Europol to money laundering in general, regardless of the type of offence from which the laundered proceeds originate.

57. Common standards should be developed in order to prevent the use of corporations and entities registered outside the jurisdiction of the Union in the hiding of criminal proceeds and in money laundering. The Union and Member States should make arrangements with third country offshore-centres to ensure efficient and transparent co-operation in mutual legal assistance following the recommendations made in this area by the Financial Action Task Force.

58. The Commission is invited to draw up a report identifying provisions in national banking, financial and corporate legislation which obstruct international co-operation. The Council is invited to draw necessary conclusions on the basis of this report.

#### **D. STRONGER EXTERNAL ACTION**

59. The European Council underlines that all competences and instruments at the disposal of the Union, and in particular, in external relations must be used in an integrated and consistent way to build the area of freedom, security and justice. Justice and Home Affairs concerns must be integrated in the definition and implementation of other Union policies and activities.

60. Full use must be made of the new possibilities offered by the Treaty of Amsterdam for external action and in particular of Common Strategies as well as Community agreements and agreements based on Article 38 TEU.

61. Clear priorities, policy objectives and measures for the Union's external action in Justice and Home Affairs should be defined. Specific recommendations should be drawn up by the Council in close co-operation with the Commission on policy objectives and measures for the Union's external action in Justice and Home Affairs, including questions of working structure, prior to the European Council in June 2000.

62. The European Council expresses its support for regional co-operation against organised crime involving the Member States and third countries bordering on the Union. In this context it notes with satisfaction the concrete and practical results obtained by the surrounding countries in the Baltic Sea region. The European Council attaches particular importance to regional co-operation and development in the Balkan region. The European Union welcomes and intends to participate in a European Conference on Development and Security in the Adriatic and Ionian area, to be organised by the Italian Government in Italy in the first half of the year 2000. This initiative will provide valuable support in the context of the South Eastern Europe Stability Pact.

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#### **ANNEX**

#### **COMPOSITION METHOD OF WORK AND PRACTICAL ARRANGEMENTS**

#### **FOR THE BODY TO ELABORATE**

#### **A DRAFT EU CHARTER OF FUNDAMENTAL RIGHTS,**

#### **AS SET OUT IN THE COLOGNE CONCLUSIONS**

#### **A. COMPOSITION OF THE BODY**

##### **(i) Members**

##### **(a) Heads of State or Government of Member States**

Fifteen representatives of the Heads of State or Government of Member States.

##### **(b) Commission**

One representative of the President of the European Commission.

**(c) European Parliament**

Sixteen members of the European Parliament to be designated by itself.

**(d) National Parliaments**

Thirty members of national Parliaments (two from each national Parliament) to be designated by national Parliaments themselves.

Members of the Body may be replaced by alternates in the event of being unable to attend meetings of the Body.

**(ii) Chairperson and Vice-Chairpersons of the Body**

The Chairperson of the Body shall be elected by the Body. A member of the European Parliament, a member of a national Parliament, and the representative of the President of the European Council if not elected to the Chair, shall act as Vice-Chairpersons of the Body.

The member of the European Parliament acting as Vice-Chairperson shall be elected by the members of the European Parliament serving on the Body. The member of a national Parliament acting as Vice-Chairperson shall be elected by the members of national Parliaments serving on the Body.

**(iii) Observers**

Two representatives of the Court of Justice of the European Communities to be designated by the Court.

Two representatives of the Council of Europe, including one from the European Court of Human Rights.

**(iv) Bodies of the European Union to be invited to give their views**

The Economic and Social Committee

The Committee of the Regions

The Ombudsman

**(v) Exchange of views with the applicant States**

An appropriate exchange of views should be held by the Body or by the Chairperson with the applicant States.

**(vi) Other bodies, social groups or experts to be invited to give their views**

Other bodies, social groups and experts may be invited by the Body to give their views.

**(vii) Secretariat**

The General Secretariat of the Council shall provide the Body with secretariat services. To ensure proper coordination, close contacts will be established with the General Secretariat of the European Parliament, with the Commission and, to the extent necessary, with the secretariats of the national Parliaments.

**B. WORKING METHODS OF THE BODY**

**(i) Preparation**

The Chairperson of the Body shall, in close concertation with the Vice-Chairpersons, propose a work plan for the Body and perform other appropriate preparatory work.

**(ii) Transparency of the proceedings**

In principle, hearings held by the Body and documents submitted at such hearings should be public.

**(iii) Working groups**

The Body may establish *ad hoc* working groups, which shall be open to all members of the Body.

**(iv) Drafting**

On the basis of the work plan agreed by the Body, a Drafting Committee composed of the Chairperson, the Vice-Chairpersons and the representative of the Commission and assisted by the General Secretariat of the Council, shall elaborate a preliminary Draft Charter, taking account of drafting proposals submitted by any member of the Body.

Each of the three Vice-Chairpersons shall regularly consult with the respective component part of the Body from which he or she emanates.

**(v) Elaboration of the Draft Charter by the Body**

When the Chairperson, in close concertation with the Vice-Chairpersons, deems that the text of the draft Charter elaborated by the Body can eventually be subscribed to by all the parties, it shall be forwarded to the European Council through the normal preparatory procedure.

**C. PRACTICAL ARRANGEMENTS**

The Body shall hold its meetings in Brussels, alternately in the Council and the European Parliament buildings.

A complete language regime shall be applicable for sessions of the Body.

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