



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 October 2013

**8915/12
EXT 1**

LIMITE

**FREMP 63
JAI 267
COSCE 11
COHOM 83**

PARTIAL DECLASSIFICATION

of document: 8915/12 RESTREINT UE/EU RESTRICTED

dated: 18 April 2012

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Subject: Accession of the European Union to the European Convention for the protection of human rights and fundamental freedoms (ECHR):
= Exchange of views/Certain issues

Delegations will find attached Annex II of document 8915/12 which has been declassified to the level "LIMITE".



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NOTE

from: Presidency
to: Council
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Subject: Accession of the European Union to the European Convention for the
protection of human rights and fundamental freedoms (ECHR):
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ANNEX II

Basic principles of the future internal rules.

The Council's role towards that of the Commission after the accession is a very important issue which will be regulated in the internal rules. In this context the internal rules will deal especially with the following matters:

- a) The representation of the Union before the ECourtHR.

- b) The triggering of the co-respondent mechanism and coordination rules, including a code of conduct, for the purpose of the conduct of the procedure before the ECourtHR by the respondent and the co-respondent. This code of conduct should also comprise rules on joint friendly settlements.

- c) Rules regarding the selection of three candidates to be EU judge in the ECourtHR.
 - d) Relevant rules regarding the prior involvement of the ECJ.
 - e) The internal rules should explain in more detail the circumstances in which the Union will agree a position, and the circumstances in which the Member States remain free to speak and act as they choose, both in the ECourtHR and in the Committee of Ministers.
 - f) There should be specific rules on the issue whether the EU or one or more MS should take the necessary steps to abide by the judgment in cases where an application regarding an act or measure of a MS or regarding an omission has been directed solely against the Union.
 - g) The internal rules should contain details on the division of the afforded satisfaction by the ECourtHR between respondent and co-respondent.
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