

NOTE

from: Secretariatto: Working Group II

Subject : Summary of meeting on 25 June 2002

The first meeting of Working Group II (Charter) was held on 25 June 2002 from 14.30 to 16.30 with Commissioner Antonio Vitorino as Chairman.

I. Work programme and timetable

1. The work **timetable** was approved:

12 July 2002	14.30 – 18.30
23 July 2002	10.00 – 18.30
17 September 2002	10.00 – 18.30
4 October 2002	14.30 – 18.30
29 October 2002	14.30 – 18.30

7 or 8 or 18 October (reserve dates)

2. **Work programme:** The Chairman mentioned the Group's two main topics (incorporation of the Charter and accession to the ECHR), as covered in the discussion paper CONV 116/02, which he intended to submit for examination by the Group later on. Towards the end of its discussions, the Group would also cover access to the Court of Justice and the Court's competences, a question linked to the two aforementioned main topics and also covered in the discussion paper.

3. **Hearings.** Given the nature of the subjects to be covered, the Group agreed that it would hear representatives of the Court of Justice of the European Communities and of the European Court of Human Rights. At the request of a member of the Group, the Chairman undertook also to make arrangements with a view to hearing the Directors-General of the Legal Services of the Commission, Council and European Parliament.

Furthermore, the Chairman announced that he would convene an additional meeting of the "human rights" contact group, a meeting in which all the members of the Working Group would be invited to take part, so that they could hear representatives of civil society.

4. **Working languages.** It was agreed that, purely as a result of technical constraints, interpreting could only be provided in French and English for working groups. If a group member indicated an imperative need to speak in another language, the Secretariat would explore the practical possibilities.
5. **Access to meetings.** The Chairman announced that, in the interests of conducting proceedings efficiently, access to the Group's meetings would for the time being be restricted to members of the Convention (members of the Group and others) and to collaborators designated by the members. It remained possible that access might be extended to the public at a later stage.

II. Procedures for and consequences of any incorporation of the Charter into the Treaties – initial discussion

6. The Group held an initial exchange of views on the above subject. The following points in particular were mentioned:
 - The positions of certain governments on the political issue of incorporating the Charter were still hesitant, irrespective of the Group's technical examination of the procedures for this.

- By general agreement, it had to be acknowledged that the Charter's content had been drafted by the previous Convention and that it would not now be appropriate to rewrite it.
- In that context, several members referred to the legitimacy and representative nature of this prior Convention and felt that what was needed now was to concentrate on examining the procedures for integrating the Charter into a basic treaty or a Constitution. Others, however, maintained that there were differences between adopting the Charter as a political declaration and the idea of giving such a text the force of law. In the latter case certain questions would arise, such as, in particular, whether it might give rise to new rights for individuals, or to new competences for the EU, or again what the relations would be between the Charter, the Treaty and the ECHR. In that connection, some wondered whether the present horizontal clauses were sufficient; others were doubtful of the value of debating those clauses again.
- One difference between the earlier Convention and the present one was that the candidate countries had not taken part, even if they had been consulted in a hearing. From that point of view, it was suggested that it might be appropriate to examine or explain the solutions reached in the earlier Convention.
- The Group could examine whether it was possible to provide a mechanism for review of the Charter in the future.
- The role of the Court of Justice and its relationship to national courts if the Charter were incorporated should be examined.

7. The Chairman concluded by stressing that this first debate had confirmed that henceforth, taking a pragmatic approach, the various technical points addressed in CONV 116/02 should be examined, as should certain additional questions that had been raised, which would be discussed in connection with those technical points as the work of the Group progressed.
