

BEGELEIDENDE NOTA

van: het secretariaat

aan: de Conventie

Betreft: **Nota van de Raad van Europa, toegezonden door de heer Van der Linden, lid van de Conventie**

De secretaris-generaal van de Conventie heeft van de heer Van der Linden, lid van de Conventie, de in de bijlage opgenomen nota van de Raad van Europa ontvangen.

Parliamentary **Assembly** **Assemblée** parlementaire



Rés. 1290

Provisional edition

Future of the co-operation between European institutions

Resolution 1290 (2002)¹

1. Europe is reaching an important point of its evolution. The perspective enlargement of the European Union presents it with a formidable challenge. The Convention set up by the Laeken Summit will pave the way for institutional reform and a constitutional framework. Its outcome will have consequences for all the institutions of Europe, including the Council of Europe.
2. The Council of Europe, as the most longstanding and comprehensive of the continent's institutions, needs to re-confirm its unique position among them, based upon its principal assets : the European Convention on Human Rights and the European Court at Strasbourg. These, together with its experience of striving to secure the highest standards of democracy and the rule of law, should be the basis for new forms of co-operation with the enlarging European Union.
3. The Assembly recalls the outstanding achievements of the Council of Europe in the pursuance of its statutory aim to achieve greater unity between its members for the purpose of safeguarding and realising the ideals of pluralist democracy, human rights and the rule of law.
4. The Assembly recalls that the Council of Europe and the European Union share the same values and pursue common aims with regard to the protection of democracy, respect for human rights and fundamental freedoms and the rule of law.

¹ *Assembly debate* on 26 June 2002 (20th Sitting) (see Doc. 9483, report of the Political Affairs Committee, rapporteur: Mr van der Linden). *Text adopted by the Assembly* on 26 June 2002 (21st Sitting).

5. The Assembly recalls that co-operation between the European Union and the Council of Europe is expressly mentioned in several provisions of the EC Treaty (Articles 149 § 3, 151 § 3 and 303).
6. The Assembly recalls in particular Article 303 of the EC Treaty which stipulates that “the Community shall establish all appropriate forms of co-operation with the Council of Europe”.
7. The Assembly recalls that the European Council in Dublin (December 1996) recognised the Council of Europe’s crucial role in upholding human rights standards and supporting pluralist democracy.
8. The Assembly is convinced that co-operation between the Council of Europe and the European Union should be extended to all areas where it brings added value to both sides and strengthens complementarity of action.
9. The Parliamentary Assembly has always been at the forefront of reflection on new European political projects and on the role the Council of Europe should play in it. In January 1999, it adopted Resolution 1177 on *Building greater Europe without dividing lines*, Resolution 1178 on *European political project* and Recommendation 1394 on *Europe: a continental design*, as part of the follow-up to the 2nd Summit of Heads of State and Government, and the ensuing report of the Committee of Wise Persons on the role of the Council of Europe.
10. The European Union Convention is an opportunity to reinforce legally binding mechanisms for the protection of human rights within the European Union. The objective of strengthening the safeguard of these rights both within the European Union and in Europe as a whole, can only be achieved through the accession of the European Union/European Community to the European Convention of Human Rights, which would create a single legal mechanism applying in equal manner to all state and other authorities in Europe which are exercising the competence affecting the rights protected by the Convention.
11. The European Union and the Council of Europe represent two distinct, but mutually reinforcing approaches to the achievement of ever greater unity among European States. The Council of Europe, with its pan-European membership, its experience and achievements in the field of human rights, democratic institutions, the rule of law, protection of minorities and local and regional authorities offers a privileged platform for dialogue and co-operation, both at parliamentary and inter-governmental levels, between all European States, be they members or non-members of the European Union, and the European Union itself.
12. The Council of Europe’s acquis in standard setting activities in the fields of democracy, the rule of law and fundamental human rights and freedoms should be considered as milestones towards the great European political project, and the European Court of Human Rights should be recognised as the pre-eminent judicial pillar of any future architecture.
13. Recently, the Council of Europe has shown that it is able to respond to the threat of terrorism at European and global level, by sharing, promoting and protecting democratic values and cross-cultural understanding. The Council of Europe has the necessary composition and the tools to be an active player in this area and to implement adequate programmes. It is an excellent platform for inter-cultural and inter-religious dialogue.

14. The Council of Europe has great experience in co-operating with the OSCE at governmental and parliamentary levels, including field operations and the observation of elections. This asset should be used for redefining their co-operation in the new European institutional architecture.
15. All pan-European and sub-regional institutions should complement each other in their mutual aim to build a democratic, stable, peaceful and prosperous Europe and co-operate effectively.
16. The Assembly calls upon the European Union and on the applicant states:
 - a. to consider the Council of Europe as an active partner in the European Union's pre-accession strategy, through its wide spectrum of legal arsenal for democratic governance, protection of human rights and minorities and in particular by making full use of the Council of Europe's increasingly effective monitoring procedure as regards the obligations and commitments entered into by member states;
 - b. *to profit from the experience gained by the members of the Parliamentary Assembly of the Council of Europe, as the only truly pan-European inter-parliamentary assembly, where soon every European national parliament will be represented, in the work of the Conference of European Affairs Committees of the Parliaments of the European Union and Candidate Countries (COSAC).*
17. The Assembly calls upon the European Union/European Community to accede to the European Convention on Human Rights, and thus contribute to the creation of a single legal mechanism for the protection of human rights, applied on equal basis to all European States and other bodies exercising competence affecting the rights protected by the Convention.
18. The Assembly invites the European Union to strengthen its presence in the Council of Europe through the participation of the European Commission in the Committee of Ministers, and the European Parliament in the Parliamentary Assembly of the Council of Europe.
19. For this purpose the Assembly calls upon the Convention to ensure that the European Union Charter of Fundamental Rights is designed to complement and enhance the effectiveness of the European Convention on Human Rights.
20. The Assembly considers that the Council of Europe's conventions, which member states are obliged or encouraged to ratify, provide a legal framework for the entire continent of Europe defining standards on human dignity and democracy, social cohesion, cultural identity, daily life and media. They can be enhanced by additional Protocols, and implemented into national law. The Assembly calls upon the Convention to encourage this process rather than undermining it by the introduction of a separate legal framework for the European Union.
21. The Assembly calls upon the institutions of the European Union to examine possibilities for increased participation in the Council of Europe's work, in all relevant areas and at all appropriate institutional levels and enhance financial co-operation with the Council of Europe.
22. The Assembly calls upon the European Union Commission to study carefully the steps that would lead to the development of a coherent European legal order by incorporating the main Council of Europe's standard setting instruments into the European Union legal system, or inversely by acceding to major Council of Europe legal instruments.

23. The Assembly calls upon the European Parliament to continue and improve co-operation with the Parliamentary Assembly of the Council of Europe, at different levels (Political groups, bureaux, committees), based on the recognition of common values and interests, in an effective and pragmatic manner. The creation of a joint committee is essential as well as the active participation of the European Parliament in the PACE. Institutional co-operation can be improved by co-operation at the level of monitoring procedures, having regard to the good results of the Monitoring Committee of the PACE, by organising together seminars and fact-finding missions and by co-operating in the field of the observing of elections. The PACE and the European Parliament stand for the same European values including a common rule of law avoiding double standards.

24. The Assembly calls upon the Secretary General of the Council of Europe to follow closely the work of the Convention set up at the Laeken Summit, evaluate its potential impact on the work of the Council of Europe, present the accomplishments of the Council of Europe to the Convention in the most appropriate way, especially in areas where the need might arise, and keep the Parliamentary Assembly regularly informed about the progress of work.

25. The Assembly calls upon the Convention to be aware that the Council of Europe is the institution allowing those States which will remain outside the European Union to participate in the European project, thus avoiding the creation of new dividing lines and a sense of exclusion among the non European Union member states of the Council of Europe.

26. The Assembly urges the Convention to avoid the introduction of any duplication or parallel activities by European Union which would undermine the work of the Congress of Local and Regional Authorities (CLRAE) as the only pan-European body for promoting local democracy structures and transfrontier co-operation.

27. The Assembly calls upon member states of the Council of Europe to fully take into account the Organisation's acquis in standard-setting in the fields of democracy, the rule of law and fundamental human rights and freedoms, as well as its political assets, when planning activities of European institutions in which they take part, in order to avoid overlaps and achieve maximum efficiency in building Europe of the future.

Doc. 9483

5 June 2002

Future of the co-operation between European institutions

Report

Political Affairs Committee

Rapporteur: Mr René van der Linden, Netherlands, Group of the European People's Party

Summary:

The prospect of enlargement presents the European Union with a formidable challenge. The Convention set up by the Laeken Summit will pave the way for institutional reform and a new constitutional framework. Looking ahead to this major development, the Council of Europe must reiterate its unique position, based on its principal assets: the European Convention on Human Rights and the European Court of Human Rights. The Council must also stress its unparalleled experience in the field of human rights, the rule of law and upholding democracy. Finally, it must consolidate its role as a pan-European organisation offering a privileged platform for dialogue and co-operation, both at parliamentary and inter-governmental levels, between all European States, be they members or non-members of the European Union.

The Assembly asks the European Union and the candidate countries to consider the Council of Europe as an active partner in the European Union's pre-accession strategy and to profit from the experience gained by the members of the Council of Europe Parliamentary Assembly. Among a number of recommendations, the Assembly calls on the European Union to accede to the European Convention on Human Rights, and thus contribute to the creation of a single legal mechanism for human rights protection. It also urges the European Commission to accede to the main Council of Europe legal instruments or incorporate them into the European Union legal system.

1. Draft Resolution

2. Europe is reaching an important point of its evolution. The perspective enlargement of the European Union presents it with a formidable challenge. The Convention set up by the Laeken Summit will pave the way for institutional reform and a constitutional framework. Its outcome will have consequences for all the institutions of Europe, including the Council of Europe.

2. The Council of Europe, as the most longstanding and comprehensive of the continent's institutions, needs to re-confirm its unique position among them, based upon its principal assets : the European Convention on Human Rights and the European Court at Strasbourg. These, together with its experience of striving to secure the highest standards of democracy and the rule of law, should be the basis for new forms of co-operation with the enlarging European Union.

3. The Parliamentary Assembly has always been at the forefront of reflection on new European political projects and on the role the Council of Europe should play in it. In January 1999, it adopted Resolution 1177 on *Building greater Europe without dividing lines*, Resolution 1178 on *European political project* and Recommendation 1394 on *Europe: a continental design*, as part of the follow-up to the 2nd Summit of Heads of State and Government, and the ensuing report of the Committee of Wise Persons on the role of the Council of Europe.

4. The European Union Convention is an opportunity to reinforce legally binding mechanisms for the protection of human rights within the European Union. The objective of strengthening the safeguard of these rights both within the European Union and in Europe as a whole, can only be achieved through the accession of the European Union/European Community to the European Convention of Human Rights, which would create a single legal mechanism applying in equal manner to all state and other authorities in Europe which are exercising the competence affecting the rights protected by the Convention.

5. The European Union and the Council of Europe represent two distinct, but mutually reinforcing approaches to the achievement of ever greater unity among European States. The Council of Europe, with its pan-European membership, its experience and achievements in the field of human rights, democratic institutions, the rule of law, protection of minorities and local and regional authorities offers a privileged platform for dialogue and co-operation, both at parliamentary and inter-governmental levels, between all European States, be they members or non-members of the European Union, and the European Union itself.

6. The Council of Europe's *acquis* in standard setting activities in the fields of democracy, the rule of law and fundamental human rights and freedoms should be considered as milestones towards the great European political project, and the European Court of Human Rights should be recognised as the pre-eminent judicial pillar of any future architecture.

7. Recently, the Council of Europe has shown that it is able to respond to the threat of terrorism at European and global level, by sharing, promoting and protecting democratic values and cross-cultural understanding. The Council of Europe has the necessary composition and the tools to be an active player in this area and to implement adequate programmes. It is an excellent platform for inter-cultural and inter-religious dialogue.

8. The Council of Europe has great experience in cooperating with the OSCE at governmental and parliamentary levels, including field operations and the observation of elections. This asset should be used for redefining their cooperation in the new European institutional architecture.

9. All pan-European and sub-regional institutions should complement each other in their mutual aim to build a democratic, stable, peaceful and prosperous Europe and cooperate effectively.
10. The Assembly calls upon the European Union and on the applicant States:
 - a. to consider the Council of Europe as an active partner in the European Union's pre-accession strategy, through its wide spectrum of legal arsenal for democratic governance, protection of human rights and minorities and in particular by making full use of the Council of Europe's increasingly effective monitoring procedure as regards the obligations and commitments entered into by member States;
 - b. *to profit from the experience gained by the members of the Parliamentary Assembly of the Council of Europe, as the only truly pan-European inter-parliamentary assembly, where soon every European national parliament will be represented, in the work of the Conference of European Affairs Committees of the Parliaments of the European Union and Candidate Countries (COSAC);*
11. The Assembly calls upon the European Union / European Community to accede to the European Convention on Human Rights, and thus contribute to the creation of a single legal mechanism for the protection of human rights, applied on equal basis to all European States and other bodies exercising competence affecting the rights protected by the Convention;
12. For this purpose the Assembly calls upon the Convention to ensure that the European Union Charter of Fundamental Rights is designed to complement and enhance the effectiveness of the European Convention on Human Rights.
13. The Assembly considers that the Council of Europe's conventions, which member States are obliged or encouraged to ratify, provide a legal framework for the entire continent of Europe defining standards on human dignity and democracy, social cohesion, cultural identity, daily life and media. They can be enhanced by additional Protocols, and implemented into national law. The Assembly calls upon the Convention to encourage this process rather than undermining it by the introduction of a separate legal framework for the European Union.
14. The Assembly calls upon the institutions of the European Union to examine possibilities for increased participation in the Council of Europe's work, in all relevant areas and at all appropriate institutional levels and enhance financial cooperation with the Council of Europe;
15. The Assembly calls upon the European Union Commission to study carefully the steps that would lead to the development of a coherent European legal order by incorporating the main Council of Europe's standard setting instruments into the European Union legal system, or inversely by acceding to major Council of Europe legal instruments;
16. The Assembly calls upon the European Parliament to continue and improve co-operation with the Parliamentary Assembly of the Council of Europe, at different levels (Political groups, bureaux, committees), based on the recognition of common values and interests, in an effective and pragmatic manner. The creation of a joint committee must be considered as well as the active participation of the European Parliament in the PACE;
17. The Assembly calls upon the Secretary General of the Council of Europe to follow closely the work of the Convention set up at the Laeken Summit, evaluate its potential impact on the work of

the Council of Europe, present the accomplishments of the Council of Europe to the Convention in the most appropriate way, especially in areas where the need might arise, and keep the Parliamentary Assembly regularly informed about the progress of work;

18. The Assembly calls upon the Convention to be aware that the Council of Europe is the institution allowing those States which will remain outside the European Union to participate in the European project, thus avoiding the creation of new dividing lines and a sense of exclusion among the non European Union member States of the Council of Europe.

19. The Assembly urges the Convention to avoid the introduction of any duplication or parallel activities by European Union which would undermine the work of the Congress of Local and Regional Authorities (CLRAE) as the only pan-European body for promoting local democracy structures and transfrontier co-operation.

20. The Assembly calls upon member States of the Council of Europe to fully take into account the Organisation's acquis in standard-setting in the fields of democracy, the rule of law and fundamental human rights and freedoms, as well as its political assets, when planning activities of European institutions in which they take part, in order to avoid overlaps and achieve maximum efficiency in building Europe of the future.

II. Draft Recommendation

The Assembly refers to its Resolution(2002) on future co-operation between European institutions, and recommends to the Committee of Ministers to convene a third summit of heads of States and governments, at a moment carefully timed before the inter-governmental conference of the European Union, with a view to giving new political impetus at the highest level to the Organisation, to better taking into account the political needs of its member States and to redefining its relations with other European institutions.

III. Explanatory memorandum by the Rapporteur

I. Introduction

1. Once again, in 2001, universal values of human rights, the rule of law and democracy have been challenged - showing the need, at European and at global levels, for expressing, sharing, promoting and protecting common values as well as for strengthening a fair and sustainable multicultural and inter-religious dialogue.

2. I strongly support the Council of Europe's Secretary General, Mr Walter Schwimmer, when he reaffirms that "the year 2001 and the date 11 September will remain engraved in our memories. The terrorist attacks could have weakened our convictions. But on the contrary, they have strengthened the Council of Europe universal values of human rights, the rule of law and democracy".

3. In the Assembly of the Council of Europe, democratically chosen representatives from 43 countries work together. They offer an essential contribution to the democratic evolution in Eastern Europe and its transition process. Even after the extension of the European Union almost half the European States will continue to co-operate within the framework of the Council of Europe and outside that of the European Union. Some of them will, by choice, limit their membership of a community of democratic States to that of the Council of Europe.

4. Once again, after 2001, the European institutional landscape is at an important juncture. For instance, the perspective of enlargement presents a formidable challenge to the European Union (EU), and its structural framework is at present under serious scrutiny. No doubt, other organisations, with a potential or consolidated pan-European vocation, such as the Council of Europe, will be affected by this change and it is therefore not surprising to indulge in a soul-searching exercise.

5. The Council of Europe should become the conscience of Europe in the field of human rights, minority rights and democratic functioning. In that sense the Council of Europe must take, consequently and explicitly, real political points of view. More political and less diplomatic action is needed. The Council of Europe should even further develop its control and monitoring mechanisms to guarantee the efficiency of its standard-setting instruments. They should produce better political guidelines for their member States, guidelines which should be more easily enforceable under national legislation.

6. *The members of the Parliamentary Assembly of the Council of Europe are in an unique position and have, in fact, a double mandate.* Therefore, the members of the Parliamentary Assembly should more intensively inform the national parliaments about the political issues which are being treated in the Council of Europe. The Council of Europe, as an intergovernmental body, is too hesitant when defending its own position. Here again, it is up to the Parliamentary Assembly to do more and to bring their political conclusions to their own parliaments and to organise in their own parliaments debates on the national and regional consequences of the Council of Europe's decisions. Accompanied by a more effective organisation of the press and public relations this could make quite a difference already.

7. The Parliamentary Assembly of the Council of Europe is at the forefront of the reflection on the European institutional architecture and on the role of the Council of Europe should play in it. In

recent years, it contributed substantially to the two Council of Europe Summits of Heads of State and Government, held in 1993 and 1997, analysed meticulously the 1998 report of the Committee of Wise Persons, and adopted in January 1999 a series of texts, which respectively called for a pre-eminent role for the Council of Europe (Recommendation 1394 (99)¹), stressed the importance of the parliamentary dimension (Resolution 1178 (99)²) and proposed a clear definition of the Council of Europe's priorities (Resolution 1177 (99)³).

8. In January 2000, a group of parliamentarians tabled a motion on the 'European Architecture on the 21st Century' (Doc. 8639) with the aim of pursuing and deepening this previously engaged discussion. Their motivation was twofold:

- a. at the turn of the 21st century it is unlikely that so many pan-European organisations, with sometimes similar or overlapping activities, will continue to function unchanged;
- b. if fewer and different organisations are to occupy the scene, the Council of Europe ought to take "a lead in forging its own image, based on its own values"; otherwise the solution would be imposed upon it by others.

9. Without necessarily sharing the defeatist approach contained in this last sentence, one must however thank the authors of the document for generating a renewed reflection, in particular in view of the forthcoming inter-governmental conference of the EU and the beginning of the enlargement process, which is on the way.

10. I believe, however, that the Council of Europe is not only a "waiting room" for the EU. On the contrary, since the existence of the "Copenhagen criteria" for the future EU members, the Council of Europe is an active partner in the Union's pre-accession strategy. Indeed, through its wide spectrum of legal arsenal for the protection of human rights, minorities, democratic governance and social peace, the Organisation plays a key role in consolidating democratic institutions in member States and consequently is a pillar of the European construction. This role, however, could be further emphasised and promoted through political will and energetic measures.

11. When speaking about the European institutional structure our aim is not to interfere with the domestic affairs of the EU, nor to make a judgement on their policy choices. The core of the discussion this paper aims to trigger is the positioning of the Council of Europe vis-à-vis the EU and other political institutions, such as the OSCE. In doing so, we will unavoidably touch upon questions of general interest for the whole of Europe or for a group of member States. The future of relations with other organisations has also close links with the Council of Europe's own structures and Parliamentary Assembly's own activities. The aims of the OSCE are, in general terms, in harmony with the aims of the Council of Europe. The difference is that the OSCE has no formal legal structure, but perhaps it uses its political position better. One reason for this is the interest of the United States in the OSCE. The OSCE is one of the organisations which offers the United States a position of influence in Europe. It should certainly be regretted, in this context, that the US did not make, up to now, appropriate use of their observer status with the Council of Europe.

¹ 'Europe: a continental design'

² 'European political project'

³ 'Building Greater Europe without dividing lines' (opinion on the report by the Committee of Wise Persons)

II. The idea of concentric circles

12. Considering that membership of the EU, the Council of Europe and the OSCE can be expressed in terms of concentric circles, one could imagine that co-operation could be organised in the same way, the inner circle representing the highest level of integration to which member States aspire.

13. An accurate assessment of different scenarios of co-operation implies a realistic review of the present situation. However, before making any proposals or suggesting new possibilities, it is good to see what is realistic to expect or unlikely to achieve. If high expectations are an acceptable starting point, they must nonetheless be kept under controllable and feasible limits.

14. In this respect, during the drawing-up of the Charter of Fundamental Rights of the EU, though the arguments presented by the Assembly were absolutely right at that time, it was obvious for political reasons that the idea of asking the EU to limit itself to signing the European Convention on Human Rights (ECHR) was doomed as the EU leadership was resolutely committed to giving a human and social rights dimension to the European Union. But it must be stressed that this respectable commitment does in no way question or even call off the request of the Parliamentary Assembly to the EU to adhere to the ECHR.

15. Likewise, comments have been voiced lately that the OSCE has been extending its field of activities to include questions related to human rights and fundamental freedoms, thus encroaching on the Council of Europe's territory. It should be recalled that the OSCE is an offspring of the Helsinki Conference and the Final Act, which included a special basket on human rights. This latter therefore has been an important aspect of its work from the very beginning of its existence and will probably continue to be so.

16. Accordingly, we should on one hand acknowledge the fact that no European organisation can ignore the human rights dimension in its activities and development. On the other hand, we should acknowledge the high degree of experience and expertise which the Council of Europe possesses in this area. It is unanimously recognised that the Council of Europe is the standard setting organisation for human rights in Europe.

17. As regards the idea of a European constitution, one should recall that it is not alien to our Organisation. Already in 1950, when signing the European Convention on Human Rights on behalf of the Federal Republic of Germany, Professor Walter Hallstein stated that one day "... an agreement on what comprises human rights and fundamental freedoms may even be the basis for a European Constitution". In the late '90s, the then existing Committee on Relations with National Parliaments had commissioned a study to be carried out by Professor Rausseau on a 'European Constitution'.

18. Very recently, the 'Convention' set up at the Laeken Summit, under the chairmanship of Mr Giscard d'Estaing has started its work and it is highly probable that it will pave the way for institutional reform and a constitution for the EU. With its long experience, the Council of Europe should follow this work very closely. The Council of Europe was not granted a status of observer. However, it could still make a valuable contribution through a number of members of the Parliamentary Assembly who will be sitting in their national delegations to the convention. One could also envisage special co-ordination meetings amongst them. Moreover, ways should be found to enable the Council of Europe to make contributions to the Convention, in particular with regard to fundamental rights, including the co-operation between the Strasbourg and Luxembourg

courts, as well as the crucial question of future relations between the Council of Europe and an enlarged EU.

19. Concerning our own Organisation, when making proposals in this field, the Parliamentary Assembly must analyse accurately the reaction of our governments to our past positions in adopted texts. For instance, the Reply¹ of the Committee of Ministers to Recommendation 1394 (1999) on 'Europe: a continental design' is revealing on many points. While the Committee of Ministers shares the "ambition and commitment" of the Assembly in respect of European construction "it is aware...that the rediscovered unity of the continent can only be sustained and developed if it is incorporated into a coherent political project in which the efforts of various organisations ...are mutually strengthened".

20. Thus, the Committee of Ministers does not come forward with a vision, specific to the *raison d'être* of the Council of Europe. In addition, the Committee of Ministers declares that it "is unable to go as far as stating that the Council of Europe can be considered as "a forum capable of meeting the global challenges of the third millennium". Instead, the Committee of Ministers "reaffirms the major importance it attaches to the complementary functions and co-ordination of efforts between the Council of Europe and its main partners in the European context". The temptation is strong to interpret this, combined with the increasing absenteeism of Ministers at ministerial level meetings and the stagnating budget, as a way of minimising the political role of the organisation in its own right.

21. One point which is often raised in connection with co-operation between European institutions is work sharing. Here again, many serious efforts aiming at a thematic repartition of activities have failed. We should aim at organising in concrete terms the complementarity which we so often proclaim. Of course we have to take into account that membership of the EU imposes an obligation to its members to act in accordance with the treaties. As regards the Assembly's own activities, recently co-operation has improved with the European Parliament, at Presidential and political groups level and occasional joint meetings and conferences at committee level. We should not aim at establishing rigid rules for co-operation but develop in a pragmatic way all possible communication channels and common activities.

III. What are the Council of Europe's assets?

22. I believe that the best method is to emphasise the areas where the Council of Europe could be most effective and instrumental in "building a greater Europe without dividing lines", as it was expressed so meaningfully in Assembly Resolution 1177 (99), rather than looking at what others are doing or by formulating disguised criticism at partner institutions. Our chances of improving the performance of the Council of Europe, which is already remarkable, are much better than undertaking some global rationalisation and co-ordination scheme. This does, of course, not mean that we should not pursue the dialogue with our partner organisations with whom we share common values and conduct common projects.

23. It is my strong conviction that the widening and deepening of the EU on one hand, and the strengthening of the Council of Europe on the other, are not at antipodes. On the contrary, the existence of the Council of Europe:

¹ Reply adopted by the Committee of Ministers on 23 April 2001

- a. alleviates the sense of exclusion which could be felt by those member States which are not ready yet for EU membership, or those who do not intend to become members;
- b. reassures applicant States that their progress towards membership of the EU is following the correct path and pace.

24. No less is the argument that in the 21st century inclusion in Europe should not be measured solely by belonging to the EU.

25. The presence of the Russian Federation in the Council of Europe is an indispensable political factor of the new European dialogue between equal and like-minded partners throughout the whole continent. The Parliamentary Assembly's flexible structures and dynamism are assets which must be used to the full. A good illustration of this is the meaningful pressure which is being put on Russia in relation to the conflict in Chechnya. Despite the Committee of Ministers' somewhat passive handling of the matter, the Council of Europe's combined action and the initiatives of the Secretary General of the Council of Europe and the Human Rights Commissioner have substantially contributed to putting in place human rights machinery in Chechnya and also the Duma / PACE Joint Working Group is instrumental in pursuing a political solution.

26. I am thoroughly convinced that the terrorist attacks of 11 September were an important turning point, which has generated, at global level, the need for sharing, promoting and protecting democratic values and cross-cultural understanding. The Council of Europe has the necessary tools to be an active player in this area and I understand, under the impetus of the Parliamentary Assembly and the Secretary General, the Committee of Ministers is prepared to launch adequate new programmes. On the Assembly side, we should also be prepared to further strengthen the dialogue with non-member countries, in particular, those Muslim countries bordering the Mediterranean. The work, since 1991, of the Council of Europe's Centre for Global Interdependence and Solidarity, the "North-South Centre" in Lisbon, should be valued and highlighted in this context.

27. Several countries enjoy Observer Status with the Council of Europe and several parliaments with the Parliamentary Assembly, and others would be interested in obtaining this status, which, no doubt, permits the intensification of political dialogue: however, the recent adoption by the Parliamentary Assembly of Resolution 1253 (2001), Recommendation 1522 (2001) and Order 574 (2001) on the "Abolition of the death penalty in Council of Europe Observer States" has clearly established the limits for granting such status.

28. Beside the organs of the Council of Europe, the Committee of Ministers and the Parliamentary Assembly, the European Court of Human Rights set up under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) is one of the major assets of our Organisation. The international enforcement mechanism established in the ECHR allows to everyone within the vicinity of a member State to enjoy a level of protection of the fundamental rights and freedoms unique in the whole world. Furthermore, the Congress of Local and Regional Authorities (CLRAE) plays its indispensable role in promoting local democracy structures and trans-frontier co-operation networks as prerequisites to stability and confidence building throughout Europe.

29. The existence of specialised bodies within the Council of Europe, such as the Council of Europe Development Bank, the office of the Commissioner for Human Rights, the European Commission for Democracy through Law, ("Venice Commission"), the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture (CPT) and the Group of States against Corruption (GRECO), all designed to promote the values of democracy, human rights, social cohesion, non-discrimination, the fight against corruption as well as racism and inhuman or degrading treatment, give added weight to the work of our Organisation.

30. As an example, the Venice Commission, through its active role in transition towards democracy in Eastern Europe, has gained international notoriety. The Assembly has excellent working relations with the Venice Commission and can consult it on legal opinion in difficult matters. Very recently, following Recommendation 1264 (01) of the Assembly on the 'Code of Good Practice in Electoral Matters', the Venice Commission set up a working group which includes representatives of the Assembly. Thus, intensified co-operation will begin in the area of election observation, which has become a major activity over the last decade.

IV. Some suggestions for future co-operation of the European institutions

31. The following is an incomplete and not exhaustive list of ideas, which ought to be discussed further, possibly reformulated and enriched by members' contributions.

- a. The Council of Europe is one of the pillars of a Europe based on the universal values of human rights, the rule of law and democracy. Its founding principles and its *raison d'être* are constantly being challenged. In the interest of maintaining its standards of democracy, human rights and the rule of law throughout the continent, there are assets of the Council of Europe which, whilst always open to review, should be considered as standard-setting and should be recognised in Europe's institutional architecture. These are the European Convention on Human Rights and the European Court of Human Rights in Strasbourg.
- b. The Parliamentary Assembly of the Council of Europe, similarly remains the only inter-parliamentary assembly exclusive to Europe and which will soon be representative of every European national parliament. In this respect, the Assembly is the true 'democratic dimension' of Europe. We should consider how this asset of the Council of Europe – its Parliamentary Assembly – could be applied to the enlarging European Union. For example, the Conference of European Affairs Committees of the Parliaments of EU and Candidate Countries (COSAC) could well profit from contributions by the members of the Parliamentary Assembly of the Council of Europe (PACE).
- c. All European institutions are experiencing an increased need for renewal and adaptation. The political and social landscape has profoundly changed, but working methods still remain the same.

- d. All European institutions are experiencing an increased need for enhanced co-operation, based on effectiveness, mutual respect and the recognition of competencies, added values and limits. There cannot be room for overlapping, duplication of efforts or even competition. In this context, the idea of concentric circles sharing the same centre should be further developed.
- e. Co-operation must take place beyond the mere expression of common values and principles. Co-operation, networking and co-ordination between the Council of Europe and the EU and other political institutions, such as the OSCE must take place at a practical level and must be visible. Co-operation should focus on very specific projects responding to specific needs of a member State or a group of member States.
- f. Another Council of Europe asset is the comparatively recent and increasingly effective procedure for monitoring the obligations and commitments entered into by new member States upon accession. The detailed scrutiny by the Parliamentary Assembly, the Committee of Ministers and the CLRAE of their progress to meet Council of Europe standards of democracy, respect of human rights and the rule of law represents an invaluable source of information and reference on the countries concerned. This large monitoring practice by the Council of Europe is, of course, shared by the fifteen EU member States and used by the EP, the EU Council and the EU Commission in their assessment of developments in candidate States. It would be gratifying for the Council of Europe, and instructive for public opinion, if this “political complementarity” would be officially recognised.
- g. The Council of Europe has recently gained very valuable field experience. It is certainly good food for thought that there exists good practice between the aforementioned organisations when it comes to concrete work, in particular in conflict areas.
- h. A proposal for a Third Summit of Heads of States and Governments is under consideration in the Committee of Ministers. The Assembly which initiated the First Summit in Vienna (1993) and strongly supported the Second Summit in Strasbourg (1997) should also support this proposal. A Third Summit would be very timely in 2003 as the Organisation will be finalising its enlargement. The Summit would give new political impetus at the highest level for the future of the Organisation.

Reporting committee: Political Affairs Committee

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Draft resolution and draft recommendation unanimously adopted by the committee on 28 May 2002

Members of the committee: Jakic (Chairman), Baumel (Vice-Chairman), Feric-Vac (Vice-Chairperson), Spindelegger (Vice-Chairman), Aliyev (alternate : Seyidov), Andican, Arzilli, Atkinson, Azzolini, Bakoyianni (alternate : Liapis), Bársony (alternate : Eörsi), Behrendt (alternate : Lörcher), Berceanu, Bergqvist, Bianco (alternate : de Zulueta), Björck, Blaauw, Blankenborg, Bühler, Cekuolis (alternate : Olekas), Clerfayt, Daly, Diaz de Mera, Dreyfus-Schmidt, Durrieu, Frey, Glesener, Gligoroski, Gönül, Gross, Henry, Hornhues, Hovhannisyan, Hrebenciuc, Iwinski, Judd, Karpov, Kautto, Klich, Koçi, Lloyd, Loutfi, Margelov (alternate: Popov), Martinez-Casan, Medeiros Ferreira, Mignon, Mota Amaral, Mutman, Naudi Mora, Neguta, Nemcova, Oliynyk, Paegle, Pangalos, Pourgourides, Prentice, Prisacaru, de Puig, Ragnarsdottir, Ranieri, Rogozin, Schloten, Severinsen, Stepová, Surjan, Timmermans (alternate : van der Linden), Toshev, Udovenko, Vakilov, Vella, Voog, Weiss (alternate : Svec), Wielowieyski, Wohlwend, Wurm, Yarygina (alternate : Nazarov), Zacchera (alternate : Malgieri), Ziuganov (alternate : Slutsky), Zhvania.

N.B. The names of the members who took part in the meeting are printed in italics

Secretaries of the committee: Mr Perin, Mr Chevtchenko, Mrs Entzminger.