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5 July 2006

## The accession of the European Union/European Community to the European Convention on Human Rights

Motion for a resolution  
presented by Mr Van Thijn and Mr Kox and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. One of Europe's common goals is the protection of human rights. Our shared values and principles for the protection of fundamental and human rights are – on the European continent - expressed in the European Convention on Human Rights.
2. The European Convention on Human Rights applies to all Council of Europe member states. Thus all member states of the European Union (EU)/European Community (EC) are at the same time signatories of the European Convention on Human Rights. Those who deem that their rights have been violated can bring their case to the Court in Strasbourg after exhaustion of domestic remedies. The EU/EC has a separate legal order created by the treaties governing the EU/EC with, as highest court, the European Court of Justice in Luxembourg. The European Convention on Human Rights and its judicial mechanism do not apply to this legal order. This can only be corrected by the EU/EC as such by becoming a Party to the European Convention on Human Rights.
3. To achieve the necessary coherence between the European Convention on Human Rights and European Community law, to grant European citizens the same protection on the European level as they have on a national level and to increase the credibility of human rights in Europe, the EU/EC should therefore accede to the European Convention on Human Rights.
4. In his report "A sole Ambition for Europe" Prime Minister Juncker of Luxembourg stated that the accession of the EU to the European Convention of Human Rights is absolutely necessary to ensure maximum consistency of human rights protection in Europe. Prime Minister Juncker recommends that the governments of the EU member states immediately open the door for accession.
5. During the Third Summit of the Council of Europe, Warsaw, May 2005, the Heads of State and Government also expressed their intention for the EU to accede, without delay, to the European Convention of Human Rights.
6. The European Council of 15-16 June 2006, concluded that a fruitful co-operation between the European Union and the Council of Europe is of great importance, and that the report of Prime Minister Juncker deserves further consideration.
7. The existing momentum in favour of EU/EC accession to the European Convention of Human Rights should –for the benefit of all European citizens- not be neglected. The Council of Europe's Steering Committee for Human Rights already addressed the technical adjustment needed for EU accession in 2002, which shows that the idea has an older history. Indeed, the period of reflection in the EU does not necessarily have to be observed, as this concrete step to improve human rights protection of European citizens is not controversial at all.

8. The Assembly should recommend that for the establishment of a coherent human rights protection system in Europe, the accession of the EU/EC to the European Convention on Human Rights is of the utmost importance.

9. The Assembly should therefore stimulate the opening of accession talks between the Council of Europe and the European Union, so that accession can quickly enter into force as soon as a sufficient legal basis for accession can be identified on the EU/EC side.

*Signed*<sup>1</sup>:

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ATEŞ, Abdülkadir, Turkey, SOC  
BEMELMANS-VIDEC, Marie-Louise, Netherlands, EPP/CD  
de PUIG, Lluís Maria, Spain, SOC  
DEES, Dirk, Netherlands, ALDE  
EINARSSON, Mats, Sweden, UEL  
EÖRSI, Mátyás, Hungary, ALDE  
FRUNDA, György, Romania, EPP/CD  
GROSS, Andreas, Switzerland, SOC  
JURGENS, Erik, Netherlands, SOC  
MARTY, Dick, Switzerland, ALDE  
PLATVOET, Leo, Netherlands, UEL  
Van den BRANDE, Luc, Belgium, EPP/CD  
van WINSEN, Bart, Netherlands, EPP/CD  
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<sup>1</sup> SOC: Socialist Group  
EPP/CD: Group of the European People's Party  
ALDE: Alliance of Liberals and Democrats for Europe  
EDG: European Democratic Group  
UEL: Group of the Unified European Left  
NR: not registered in a group