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Memorandum of understanding between the Council of Europe and the European Union

Opinion
Political Affairs Committee
Rapporteur: Mr Abdülkadir ATEŞ, Turkey, Socialist Group

Summary

Enhanced co-operation between European institutions and organisations as well as co-ordination of action between them, including clear division of competences, the avoidance of duplication and the establishment of constructive dialogue on policy issues, are necessary conditions for the success of European construction.

The relations between the Council of Europe and the European Union given their shared fields of competences and partly overlapping membership are of particular importance which was confirmed by the Third Council of Europe Summit of Heads of State and Government held in Warsaw on 16-17 May 2005. The European leaders decided on that occasion that a Memorandum of Understanding between the Council of Europe and the European Union should be elaborated and signed.

The present opinion on the draft memorandum expresses the Rapporteur's disappointment over the content of the latter. In his view, it does not provide an innovative or ambitious approach to challenges faced by the European construction and does not reflect a genuine political determination to advance the process of co-operation.

Furthermore, it does not sufficiently reflect either the proposals and recommendations contained in the report on the relationship between the Council of Europe and the European Union prepared by Mr Juncker following the Third Council of Europe Summit or the proposals made by the Assembly and reiterated on several occasions in the drafting process.

The Rapporteur considers that certain provisions of the draft memorandum could be improved and supplemented and, with this in mind, he presents a number of amendments.

A. Draft opinion

1. Enhanced co-operation between European institutions and organisations as well as the co-ordination of action between them are necessary conditions for the success of European construction. This implies a clear division of competences, the avoidance of duplication and the establishment of constructive dialogue on policy issues aimed at identifying joint priorities and elaborating common strategies whenever possible.
2. The relations between the Council of Europe (CoE) and the European Union (EU), given their shared fields of interest and partly overlapping membership, are, in this regard, of particular importance.
3. The Parliamentary Assembly has expressed its views on these relations on several occasions and in this context, it refers to its recommendations 1693 (2005) on the Third Summit, 1712 (2005) on the Follow-up to the Third Summit and 1743 (2006) on the Memorandum of Understanding between the Council of Europe and the European Union, and 1744 (2006) on the proposed European Union Fundamental Rights Agency.
4. The Assembly recalls that, at the Third Council of Europe Summit held in Warsaw on 16-17 May 2005, the Heads of State and Government committed themselves "to ensuring complementarity of the CoE and the other organisations involved in building a democratic and secure Europe, and to creating a new framework for enhanced co-operation and interaction between the CoE and the EU in areas of common concern, in particular, human rights, democracy and the rule of law." To this end, it was decided to draft a Memorandum of Understanding between the two institutions in order "to create a new framework for enhanced co-operation and political dialogue".
5. Moreover, the Heads of State and Government entrusted Mr Jean-Claude Juncker, Prime Minister of Luxembourg, with the task of preparing, in his personal capacity, a report on the relationship between the CoE and the EU, on the basis of decisions taken at the Summit, and taking into account the importance of the human dimension of the European construction. This report was presented to the Assembly on 11 April 2006.
6. The Assembly acknowledges the efforts of successive chairs of the Committee of Ministers in seeking to accommodate different views and to achieve compromises during the elaboration of the draft memorandum over the last year. It also appreciates the readiness of the Committee of Ministers to associate the Assembly with its work.
7. The Assembly expects that the draft memorandum which was transmitted to it for opinion will not undergo any further modifications except for those which may result from the Assembly's proposals.
8. The draft memorandum is an important document and its elaboration is welcomed by the Assembly. It contains a number of provisions which could improve the present state of relations between both institutions, clarifying and defining their competences and their fields of co-operation.
9. At the same time, however, the Assembly is disappointed by the overall content of the draft memorandum. It does not contain precise and concrete commitments requiring the parties make substantial additional efforts to enhance co-operation. It does not provide an innovative or ambitious approach to challenges faced by the European construction. It does not reflect a genuine political determination to advance the process of co-operation. Consequently, it is questionable whether it will pave the way for more extensive and intensive co-operation between the two institutions.
10. Furthermore, the draft text does not sufficiently reflect either the proposals and recommendations contained in Juncker's report or the proposals made by the Assembly and reiterated by its President and representatives on several occasions in the drafting process.
11. In this context, the Assembly observes that the co-operation between the Assembly and the Committee of Ministers on this issue cannot be limited to the participation of Assembly's representatives in meetings of the Follow-up Committee on the Third Summit. If the co-operation is to be meaningful, the Assembly's position must also be taken into account when finalising the document.

12. The Assembly notes that the co-operation between the two institutions at the parliamentary level (the Parliamentary Assembly and the European Parliament) is the subject of a separate document to be signed by the respective Presidents.

13. The Assembly considers that certain provisions of the draft memorandum, as currently formulated, could be improved and supplemented so as to take into account recommendations contained in the report prepared by Mr Juncker, as well as opinions previously expressed by the Parliamentary Assembly and its President. Consequently, the Assembly recommends that the Committee of Ministers introduce the following amendments into the draft Memorandum of Understanding:

As regards the Preamble:

13.1. Insert a new paragraph after paragraph 2 reading as follows: "Recognising the Council of Europe's unique role and achievements in its core areas of excellence, notably the protection of human rights, democracy and the rule of law."

13.2. Insert a new paragraph after paragraph 4 reading as follows: "Seeking to intensify co-operation and ensure co-ordination of action on questions of mutual interest."

As regards Purposes and principles of co-operation:

13.3. Insert a new paragraph after paragraph 8 reading as follows: "The Council of Europe will remain the benchmark for human rights, the rule of law and democracy in Europe;"

13.4. In paragraph 10, in the first line insert the word "systematic" after "will take".

13.5. In paragraph 10, in the second line after the words: "avoiding unnecessary duplication" add "in particular, when considering the setting-up of European agencies and developing new policies".

As regards Shared priorities and focal areas for co-operation

13.6. In paragraph 16, at end of the last sentence, replace the words "will be taken into account by the European Union institutions" by "will be systematically taken on board by the European institutions."

13.7. Paragraph 19, at the end, insert the following words: "The two institutions and their member states undertake to complete the preparatory work necessary to achieve this objective without delay."

13.8. Insert a new paragraph after paragraph 19 reading as follows: "The European Union recognises that the Commissioner for Human Rights will become the European institution to which the European Union, like all of the Council of Europe member states, will refer all human rights problems not covered by existing monitoring and supervisory mechanisms."

13.9. Replace paragraph 23 by the following new paragraph: "Bearing this in mind, a coherent legal order should be developed by incorporating the main Council of Europe standard-setting instruments into the European Union legal system or by the European Union acceding to major Council of Europe legal instruments."

13.10. Insert a new paragraph after paragraph 24 reading as follows: "The European Union and the Council of Europe will replace the use of the "disconnection clause" in new Council of Europe legal instruments by the use of a "modulation clause", making clear that European Union member states are to abide by Council of Europe conventions, partly through the exercise of European Community competence. In the case of inconsistencies, the normal mechanism of reservations should be used."

13.11. Replace paragraph 29 with the following: "With regard to their common aim of promoting democratic stability in Europe, the Council of Europe and the European Union will increase their co-operation in the countries covered by the European Union's Neighbourhood Policy or by the Stabilisation and Association process, with due regard to the specific competences of both institutions

and taking into account Council of Europe member states' observance of their obligations and commitments."

As regards arrangements for co-operation

13.12. Insert a new paragraph after paragraph 42 reading as follows: "With a view to ensuring the parliamentary dimension of the quadripartite meetings, the Parliamentary Assembly and the European Parliament will be systematically invited to participate therein."

13.13. In paragraph 44, after the words: "More frequent consultations" insert the following words: "aimed at the reinforcement of political dialogue."

13.14. After paragraph 49 insert a new paragraph reading as follows: "In the framework of the European Neighbourhood Policy, the two institutions will have regular exchanges and joint programmes will be planned, implemented and assessed. Consultations involving the European Commission, the Secretariat of the Council of Europe and national policy-makers of the countries concerned could be organised to discuss the priorities of co-operation under joint programmes."

13.15. Immediately after the above paragraph, insert a new paragraph which would read as follows: "The Council of Europe and the European Union will work jointly in order to strengthen co-operation with the countries covered by the Stabilisation and Association process. They will regularly exchange information and co-ordinate their activities in order to help further development of democratic capacities in these countries where appropriate. The possibility to carry out thematic programmes ("horizontal") in co-operation with the Council of Europe will be considered by the European Union."

13.16. Immediately after the above insertion, add a new sub-title "Institutional presence" and insert a new paragraph which would read as follows: "The European Union will take further steps to strengthen its presence in the Council of Europe, which will include the establishment of a permanent European Commission and Council Secretariat offices in Strasbourg as soon as possible. The Council of Europe liaison office in Brussels will become a fully fledged representation of the Council of Europe to the European Union."

14. The Assembly calls on the Committee of Ministers to elaborate a codex of main conventions which would subsequently be proposed for European Union accession.

15. The Assembly expresses the expectation that the Memorandum of Understanding, despite its shortcomings, once adopted and signed, will be used as a tool for the development of co-operation and improvement of relations between both organisations. It considers it imperative that the implementation of the memorandum be evaluated within the framework of a high-level group and that it be reviewed within five years at the latest.

B. Explanatory memorandum by the Rapporteur, Mr Abdülkadir Ateş

I. Introduction

1. Enhanced co-operation between European institutions and organisations as well as the co-ordination of action between them is a necessary condition for the success of European construction. A clear division of competences, the avoidance of duplication and the establishment of constructive dialogue on policy issues aimed at identifying joint priorities and elaborating common strategies whenever possible should be considered not only in terms of efficiency in the accomplishment of each Institution's mandate, but also as a question of legitimacy and accountability towards tax payers.

2. Failure to achieve these objectives could lead to putting into question the very concept of European architecture as it currently stands. The results of the referendum on the European Constitution in France and the Netherlands clearly demonstrate that European citizens are not ready to accept just any solution proposed to them.

3. The Council of Europe, a pan-European organisation with well-defined areas of excellence, but a relatively small budget, certainly has every interest in a clear division of tasks and competences between institutions active on the European continent.

4. In this context, relations between the European Union (EU) and the Council of Europe (CoE) are of paramount importance. The geographical enlargement, including the long-term perspective, and the increase in the range of activities and competences of the EU, carry important consequences for the European institutional architecture, and particularly for the CoE's place in this architecture.

5. So far, the relations between both institutions have been set out in the Arrangement between the CoE and the European Community, concluded on 16 June 1987 and complemented by the exchange of letters of 5 November 1996, and the Joint Declaration on co-operation and partnership between the CoE and the European Commission signed on 3 April 2001.

6. At the Third Council of Europe Summit held in Warsaw on 16-17 May 2005, the Heads of State and Government adopted a Declaration in which they stressed their determination to "ensure complementarity of the CoE and the other organisations involved in building a democratic and secure Europe", and declared their commitment to "create a new framework for enhanced co-operation and interaction between the CoE and the EU in areas of common concern, in particular, human rights, democracy and the rule of law".

7. Furthermore, in the Third Summit Action Plan, they agreed on Guidelines on the relations between the CoE and the EU. On the basis of these Guidelines it was decided to draft a Memorandum of Understanding (MoU) between the two institutions in order "to create a new framework for enhanced co-operation and political dialogue".

8. Moreover, the Heads of State and Government entrusted Mr Jean-Claude Juncker, Prime Minister of Luxembourg, to prepare, in his personal capacity, a report on the relationship between the CoE and the EU, on the basis of decisions taken at the Summit, and taking into account the importance of the human dimension of European construction.

9. Mr Juncker presented his report to the Assembly on 11 April 2006. The report offers an innovative approach and valuable political guidance for the efficient co-operation between the two institutions. With a view to considering recommendations contained in the report, the Committee of Ministers decided at their 116th session in May 2006, to set up a high-level follow-up group which would include representatives of the relevant bodies of the CoE.

10. The Assembly has always attached particular importance to relations between CoE and the EU. It has expressed its position on this subject on numerous occasions, particularly in reports on

the Third Summit¹, on the Follow up to the Third Summit², on the Memorandum of Understanding between the CoE and the EU³, and on the proposed European Union Fundamental Rights Agency⁴.

11. In the texts adopted following the debates on the above-mentioned reports, the Assembly has delivered a substantial contribution to concrete questions of mutual interest to both institutions and has expressed the expectation that its position would be reflected in the final MoU.

12. Furthermore, the Assembly has been systematically represented at meetings of the Follow-up Committee on the Third Summit of the Committee of Ministers (CM-SUIVI 3) which was responsible for the preparation of a draft MoU. Such systematic participation gave the Assembly the opportunity to provide regular input and to shape its ideas and position and to follow their development.

13. As Rapporteur, I appreciate the readiness of the Committee of Ministers to associate the Assembly with its work. I also wish to acknowledge the efforts of successive chairs of the Committee of Ministers which presented drafts that sought to accommodate a number of proposals made by the different stakeholders.

II. General remarks

14. This positive assessment of efforts aimed at reaching a compromise solution cannot, however, hide the shortcomings of the outcome of this work. Later, I will examine more closely and in greater detail the text which has been transmitted by the Deputies to the Assembly for opinion; here I will limit myself to some general observations.

15. Firstly, having participated in the last meeting of the Follow-up Committee on the Third Summit of the Committee of Ministers, at which the decision to transmit the draft text of the memorandum to the Assembly was taken, I am slightly confused as to the status of this document. My understanding is – and I think I express the view of the Assembly as a whole – that the document we have received for opinion is the final draft, which in principle should not undergo any further modifications except for those which may be proposed by the Assembly. In other words, it is my understanding that the Deputies will not return to those parts of the text which are not contested by the Assembly.

16. This principle has always prevailed in other consultation procedures where the Assembly has been asked for an opinion (for example, on drafts of conventions). Otherwise, one fails to see the logic of taking a position on a text which is still under negotiation and subject to modification.

17. Yet it would seem that there are still proposals for amendments presented on behalf of the 27 European Union member countries, and others, proposed by the Russian Federation. These have not been included in the text transmitted to the Assembly, and it would appear they will be discussed only after the Assembly has delivered its opinion. I must state that I consider this procedure most unsatisfactory and not conducive to the good co-operation that we have had with the Committee of Ministers so far.

18. Having heard the amendments presented orally, I am concerned that most would appear to dilute the substance of the draft MoU and weaken what is in fact a rather weak text.

19. This brings me to my second general remark: unfortunately I have to say that I find the draft memorandum quite disappointing. This document does little more than reflect current practice. It does not contain precise and concrete commitments, requiring the parties to make additional efforts. As a consequence, it is questionable whether it will pave the way for more extensive and intensive co-operation between both institutions.

¹ Rec. 1693 (2005), Doc 10381.

² Rec 1712 (2005), Doc. 10602.

³ Rec. 1743 (2006), Doc. 10892.

⁴ Rec. 1744 (2006), Doc. 10894.

20. The text does not sufficiently reflect proposals and recommendations contained in the Juncker report. The latter's innovative and ambitious approach is absent from the document which we have in front of us. I appreciate of course that some of the latter ideas can only be realised in the long term and I am not expecting to find all of them in the MoU. What is missing in the current draft is the political determination to advance the process in a resolute manner, with the ensuing risk of losing the momentum created by the Third Summit.

21. In the CM-SUIVI 3 it was said that this compromise document should be perceived as a success. Several months ago nearly every paragraph was put into question by different delegations, whereas today a compromise had been found as regards the majority of them. I do not quite agree with this assessment. If compromise means the lowest common denominator, I fail to see this in terms of a success story.

22. Furthermore, the majority of the Assembly's proposals, reiterated by its President on many occasions in the drafting process, have not been included in the draft MoU transmitted to the Assembly.

23. This brings me to a further general remark that the co-operation between the Assembly and the Committee of Ministers on this issue cannot be limited to the participation of Assembly's representatives in meetings of its Follow-up Committee. If the co-operation is to be meaningful, the Assembly's position must also be taken into account.

24. My final general observation is that Ambassadors of EU countries to the CoE should defend the interest of this Organisation and not act as EU ambassadors. If the EU acts as a block within the CoE structures it will be detrimental to this Organisation and it will result in the loss of interest of countries with a position different from that of the EU; clearly, even acting together, they will never be able to counterbalance 27 countries.

25. Before I complete these general remarks, I would like to mention that the co-operation between the two institutions at the parliamentary level (the Parliamentary Assembly – the European Parliament) – is the subject of a separate document: Agreement on the strengthening of co-operation between the Council of Europe and the European Union, to be signed by the Presidents of the Parliamentary Assembly and the European Parliament (see Appendix).

III. Comments on the text of the draft Memorandum of Understanding

26. My comments on the text of the draft MoU are set out hereafter and focus on the main headings of the draft.

i. Purposes and principles of co-operation

27. The Council of Europe has undeniable unique expertise in the field of its core activities, namely democracy, the rule of law and human rights. Therefore, the Assembly attaches particular importance to the acknowledgement that the CoE remains the benchmark in these areas.

28. However, there is nothing in the opening chapter of the draft MoU on this (although later in the draft it is stated that European Union bodies recognise the CoE as the reference for human rights only). It merely says that both institutions "will acknowledge each other's experience and standard-setting work, as appropriate, in their respective activities". This formulation is not satisfactory for the Assembly.

29. Moreover, the draft MoU does not specify that the work of Council of Europe bodies such as the Venice Commission, the Committee for the Prevention of Torture, the Group of States against corruption, the Commissioner for Human Rights, the European Commission for the Efficiency of Justice, the European Committee of Social Rights and the case-law of the European Court of Human Rights should be systematically taken into account in the European Union's action in the relevant areas.

ii. *Shared priorities and focal areas for co-operation*

a. Human rights and fundamental freedoms

30. As Rapporteur, I welcome the recognition of the Council of Europe as the Europe-wide reference source for human rights. I support the draft MoU's provision that the relevant Council of Europe norms will be cited as a reference in EU documents, and the decisions and conclusions of its monitoring structures will be taken into account by EU institutions.

31. In this field, avoidance of any possible duplication is of particular importance. Therefore, I welcome the fact that coherence of Community and European Union law with the standards resulting from CoE Conventions to which EU member states are parties, and primarily the European Convention on Human Rights, will be secured.

32. The Assembly has always stated that the governments of the EU member states should immediately open the door to EU accession to the ECHR. This issue, although referred to in the draft MoU, is not formulated in any conclusive terms and no specific deadline is mentioned. This falls short of the text included in the Summit "Guidelines".

33. The question of the establishment of the European Fundamental Rights Agency (AEDF) has been a matter of concern for the Assembly (see Rec 1743) in particular the risk of duplication. This issue has been addressed in a constructive manner in the draft MoU as well as in the Regulation establishing the Agency. A special agreement between the EU and the CoE for the purpose of establishing close co-operation between the latter and the Agency will be signed. Only time and experience will demonstrate whether the Agency will respect its mandate and the commitment not to duplicate or contradict Council of Europe findings or activities.

b. Rule of law, legal co-operation and addressing new challenges

34. The Assembly has repeatedly called for the development of a coherent legal order by incorporating the main CoE standard-setting instruments into the EU legal system or by the EU acceding to major CoE instruments which should be identified by the Committee of Ministers. The draft MoU, as it stands now, provides that "Coherence of Community and European Union law with the standards resulting from CoE Conventions to which EU member states are parties will be secured." This formulation does not fully satisfy the Assembly's expectations.

35. In my opinion, the Assembly should insist on the coherence of European legal space and accession of the EU to the CoE's major instruments. We should call once again on the Committee of Ministers to prepare a codex of main conventions which we would propose for EU accession.

36. In the draft MoU there is no mention of replacing the "disconnection clause" by a "modulation clause", despite repeated calls from the Assembly in this respect. The term "modulation clause" could be used to reflect the fact that EU member states are not exempted, but may modulate the way they give effect to certain obligations set out in CoE conventions. This simply means that they are to abide by CoE conventions, partly through the exercise of EC competence. Should there be inconsistencies between EC law and a specific provision of a CoE convention, use would have to be made of the normal mechanism of entering reservations. The question is of crucial importance, and the Assembly should reiterate its call to include it in the MoU.

c. Democracy and good governance

37. Whilst regretting that there is no mention of the CoE as a reference source for democracy, at the same time, I note with satisfaction due importance attached to the expertise of the Venice Commission, and its contribution to EU activities.

38. Similarly, I welcome the recognition of the importance of the Forum for the Future of Democracy as a tool to promote democracy, citizens' participation, democratic development and good governance. I expect that concrete and fruitful co-operation in the preparation of future sessions of the Forum will result from this declaration.

d. Democratic stability

39. The European Neighbourhood Policy (ENP) launched by the EU in order to strengthen democratic stability, security and well-being in several EU neighbouring countries is a good example of the potential for co-operation between both institutions and the CoE's important contribution in its core areas of excellence. The CoE's experience in assisting states in their efforts to build sustainable democratic systems and in its monitoring procedures could be invaluable input into the ENP. Therefore, on several occasions the Assembly has insisted on the need to integrate the standards and values of the CoE and use its expertise in the ENP⁵. Unfortunately, the present formulation in the draft memorandum does not correspond to the Assembly's expectations and does not recognise the CoE's major potential contribution to the ENP.

40. Belarus is a country which is of great interest to both institutions. The need for co-operation, co-ordination and avoidance of duplication is even more obvious here than in other areas. Therefore, I can only regret that there is still hesitation on the Deputies' side in this respect, and the words "such as Belarus" are in brackets.

e. Intercultural dialogue and cultural diversity

41. While expressing my satisfaction at the explicitly specified need for consultations and co-operation between the institutions in order to develop intercultural dialogue, I regret that the CoE's experience in promoting democracy in the CoE's neighbouring countries, like Central Asian republics, Middle East and Northern African countries has not been recognised.

iii. *Arrangements for co-operation*

a. Meetings and mechanisms for strengthening co-operation

42. It is most disappointing that the draft MoU does not include a provision on giving a parliamentary dimension to quadripartite meetings. This idea, reiterated by the Assembly on many occasions, is aimed at making these meetings more democratic and transparent. The continued refusal to take up this proposal is not a good signal for the future co-operation between both institutions as a whole. Moreover, it is very difficult to understand given that the official position of the EU is to support reinforcement of co-operation with parliaments.

b. Inter-institutional co-operation

43. The previous remark goes along with an observation that, regrettably, the draft MoU does not foresee any major role for the Assembly and the European Parliament in defining future relations between the European Union and the Council of Europe. This is a missed opportunity for obtaining a more visionary, courageous and flexible assessment and approach in the future.

44. The draft MoU does not foresee setting up improved channels of communication with all EU institutions. In particular it does not provide for a permanent presence of the EU Commission in Strasbourg which is regrettable.

45. Regrettably, the text does not provide for the establishment of a high-level group involving the executive and parliamentary bodies of both institutions and of the European Commission and the CoE Secretary General. There is also no commitment to review the MoU within five years of the date of its signature.

IV. Conclusion

46. The draft MoU on which the Parliamentary Assembly was invited by the Committee of Ministers to provide its opinion is an important document and its elaboration is welcomed by the Rapporteur. It contains a number of provisions which could improve the present state of relations between both institutions, clarifying and defining their competences and their fields of co-operation.

⁵ See also Doc. 10696 and Rec. 1724

47. However, the draft MoU fails to meet the Assembly's expectations. It does not sufficiently take into account recommendations contained in the Juncker report as well as comments and proposals made by the Assembly and its President at different stages of its preparation. Above all, it does not reflect political determination to advance the process and does not contain precise and concrete commitment.

48. A major shortcoming is that it does not provide for the parliamentary dimension of the co-operation between both institutions, thus missing the opportunity for a more visionary and creative approach in the future.

49. The unique position of the CoE as the only strictly pan-European institution provides an exceptional opportunity for strengthening political dialogue between EU member and non-member states on the basis of common values, partnership and mutual interest. The Assembly's expectation was that the MoU would clearly define and institutionalise these relations which, unfortunately, is not the case.

50. I expect that the observations and concrete proposals made by the Assembly will nonetheless be taken into account before the adoption of a final document at the 117th Ministerial session in May 2007.

51. Once the MoU is adopted and signed, it will be of the utmost importance to try to use it, with all its shortcomings, as a tool for the development of co-operation and improvement of relations between both institutions. For its part, the Assembly should monitor closely its implementation and, as appropriate, suggest improvements.

APPENDIX

Agreement on the strengthening of co-operation between the Parliamentary Assembly of the Council of Europe and the European Parliament, to be signed by the Presidents of the Parliamentary Assembly and the European Parliament

The Parliamentary Assembly of the Council of Europe;

The European Parliament;

Referring to the report by Jean-Claude Juncker on the Council of Europe – European Union: “A sole ambition for the European Continent”;

Referring to Rule 61 of the Rules of Procedure of the Parliamentary Assembly of the Council of Europe;

Referring to Rule 189 of the Rules of Procedure of the European Parliament;

1. Agree to:

- intensify co-operation and mutual contacts on political issues;
- ensure co-ordination of action on questions of mutual interest for both Assemblies;
- mutually recognise achievements of both Assemblies and systematically take them into account, as appropriate, in each other's activities;
- identify measures aimed at promoting complementary action;

2. In order to achieve these objectives the following measures should be undertaken:

- Presidents of both Assemblies will meet periodically;
- Presidents of both Assemblies reiterate their willingness to participate in the quadripartite meetings between the European Union and the Council of Europe;
- joint meetings of the Presidential Committee and Conference of Presidents will be held at least once a year in order to discuss the state of relations between the two Assemblies and other questions of common interest;
- counterpart Committees:
 - will step up their co-operation with a view to co-ordinate action, avoid duplication and possibly achieve a common position on the most important political questions;
 - will identify issues which will constitute a basis for joint activities. These will include joint meetings and hearings, systematic invitations for members and rapporteurs of counterpart committees as well as regular contacts between rapporteurs;
 - will exchange information, agendas and other documents and recognise each other's achievements in their own documents;
- chairpersons of respective committees will step up contacts and meet on a regular basis;
- leaders of political groups of both Assemblies will meet periodically to exchange information and discuss possible joint activities;
- achievements and actions of both Assemblies will be referred to and taken into account, when appropriate, in each other's documents and activities;

- the European Parliament and the Parliamentary Assembly of the Council of Europe will invite each other to be represented at their respective statutory meetings as well as ad hoc meetings (conferences, seminars and other events);
- respective rapporteurs on subjects of common interest will be systematically invited to participate in plenary debates with the right to speak;
- both assemblies will continue jointly observing elections;
- high level Secretariat meetings will be held on a regular basis;
- respective secretariats of the counterpart committees should be instructed to maintain close contacts and co-operation;

3. Furthermore, the Presidents agree to give all political support to the proper follow up to be given to Mr Juncker's report on relations between the Council of Europe and the European Union.

Reporting Committee: Political Affairs Committee.

Reference to Committee: Decision of the Standing Committee on 16 March 2007

Draft opinion unanimously adopted by the Committee on 16 April 2007

Members of the Committee : Mr Abdülkadir **Ateş** (Chairman), Mr Konstantin **Kosachev** (Vice-Chairman), Mr Zsolt Németh (Vice-Chairman), Mr Giorgi **Bokeria** (Vice-Chairman), Mr Miloš **Aligrudić**, Mr Birgir Ármannsson, Mr Claudio **Azzolini**, Mr Andris **Bērziņš**, Mr Alexandër Biberaj, Ms Raisa Bohatryova, Mr Luc **Van den Brande**, Ms Cornelia Cazacu, Mr Lorenzo Cesa, M. Mauro Chiaruzzi, Ms Elvira Cortajarena, Ms Anna Čurdová, Mr Noel Davern, Mr Dumitru **Diacov**, Mr Michel Dreyfus-Schmidt, Ms Josette **Durrieu**, Mr Joan Albert Farré Santuré, Mr Pietro Fassino (alternate: Mr Pietro **Marcenaro**), Mr Per-Kristian **Foss**, Ms Doris **Frommelt**, Mr Jean-Charles **Gardetto**, Mr Charles Goerens, Mr Andreas Gross, Mr Jean-Pol Henry, Mr Serhiy Holovaty, Mr Joachim **Hörster**, Mrs Sinikka **Hurskainen**, Mr Tadeusz **Iwiński**, Mr Miloš **Jeftić**, Mrs Corien W.A. Jonker, Ms Darja Lavtižar-Bebler, Mr Göran **Lindblad**, Mr Younal **Loutfi**, Mr Mikhail **Margelov**, Mr Tomasz **Markowski**, Mr Dick Marty, Mr Frano Matušić, Mr Murat Mercan, Mr Jean-Claude Mignon, Mr Marko **Mihkelson**, Ms Nadezhda Mikhailova (alternate: Mr Ivan **Ivanov**), Mr Aydin Mirzazada (alternate: Mr Sabir **Hajiyev**), Mr João Bosco **Mota Amaral**, Ms Natalia Narochnitskaya, Mr Grygoriy Nemyrya, Mrs Miroslava **Nemcova**, Mr Fritz Neugebauer, Mr Theodoros Pangalos, Ms Elsa **Papadimitriou**, Mr Christos **Pourgourides**, Mr Gordon Prentice (alternate: Mr Denis **MacShane**), Mr Gabino **Puche**, Mr Lluís Maria **de Puig**, Mr Jeffrey Pullicino Orlando (alternate: Mr Leo **Brincat**), Mr Andrea Rigoni, Lord Russell-Johnston (alternate: Mr Nigel **Evans**), Mr Oliver Sambevski (alternate: Mr Blagoj **Zasov**), Mr Ingo Schmitt, Ms Hanne Severinsen (alternate: M. Per **Kaalund**), Mr Samad Seyidov, Mr Leonid Slutsky, Mr Rainer Steenblock, Mr Zoltán **Szabó**, Baroness Taylor of Bolton (alternate: Lord **Tomlinson**), Mr Mehmet **Tekelioğlu**, Mr Tigran Torosyan, Mr Mihai Tudose (alternate: Mrs Florentina **Toma**), Mr José **Vera Jardim**, Ms Biruté **Vesaitė**, Mr Björn **Von Sydow**, Mr Varujan Vosganian, Mr Harm Evert Waalkens, Mr David **Wilshire**, Mr Wolfgang **Wodarg**, Ms Gisela Wurm, Mr Boris **Zala**, Mr Krzysztof Zaremba (alternate: Mr Karol **Karski**).

Ex-officio: MM. Mátyás Eörsi, Tiny Kox

N.B.: The names of the members who took part in the meeting are printed in **bold**

Head of the Secretariat: Mr Perin

Secretaries to the Committee: Mrs Nachilo, Mr Chevtschenko, Mrs Sirtori-Milner, Mrs Pieter, Mr Alarcón