Parliamentary **Assembly**
Assemblée parlementaire

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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

For debate in the Standing Committee — see Rule 15 of the Rules of Procedure

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Inclusion in the Assembly's Rules of Procedure of a new rule on co-operation with the European Parliament

Report
Committee on Rules of Procedure and Immunities
Rapporteur: Mr Erol Aslan Cebeci, Turkey, Group of the European People's Party

Summary

The report is based on a reference made by the Bureau of the Assembly in connection with possibilities to strengthen relations with the European Parliament. It concludes that it would be appropriate to include a rule on the co-operation between the European Parliament and the Parliamentary Assembly into the Rules of Procedure of the Assembly to mark a difference in comparison with relations with such institutions as the OSCE Assembly, the Benelux Assembly and the Nordic Council, which are based on co-operation agreements. It would also create symmetry between the practice of the Parliamentary Assembly and the European Parliament which have always had a provision in its Rules on relations with the Parliamentary Assembly.

A. Draft resolution

1. The Assembly recalls that in the Warsaw Declaration of May 2005 the Heads of State and Government of the Council of Europe member States resolved to create a new framework for enhanced co-operation and interaction between the Council of Europe and the European Union in areas of common concern, in particular human rights, democracy and the rule of law.

2. In this connection it welcomes that in the last years the relations between the European Parliament (EP) and the Parliamentary Assembly have been strengthened and that several new means of co-operation were introduced.

3. The Assembly notes that, contrary to the EP, the Rules of Procedure of the Parliamentary Assembly do not contain a provision on its relations with the EP.

4. It considers that such a rule would be useful for several reasons. In addition to creating a symmetry between the practice of the EP and the Assembly, a new provision on co-operation with the EP would have a political and a symbolic character. It would in particular be an expression of the special relationship between the Council of Europe and the European Union. During fifty years (1952-2002) this relationship was governed by a specific legal instrument, the Protocol to the Paris Treaty instituting the European Coal and Steel Community.

5. Consequently, the Assembly decides to insert the following new rule in its Rules of Procedure after Rule 61:

> *"Co-operation with the European Parliament*
>
> *1. The Bureau of the Assembly shall, in agreement with the relevant organ of the European Parliament (Conference of Presidents), decide the arrangements for co-operation of both institutions.*
>
> *2. On the basis of these arrangements, the Assembly's bodies, particularly the committees, may co-operate with their counterparts of the European Parliament in fields of mutual interest."*

6. It also decides that the new Rule shall enter into force on its adoption by the Assembly.

B. Explanatory memorandum by Mr Cebeci

I. Introduction

1. On 18 March 2005 the Bureau of the Assembly discussed an item concerning the Assembly's relations with the European Parliament (EP). On this occasion it asked the Committee on Rules of Procedure and Immunities to make a proposal for the inclusion in the Assembly's Rules of Procedure of a new rule on co-operation with the EP.

2. On 12 September 2005 the committee approved a memorandum on this matter, proposing such a new rule and asking for the reference by the Bureau of this matter for report to the committee. On 7 October 2005 the Bureau accepted this proposal and the reference to the committee was ratified by the Assembly on the same day.

3. This draft report was prepared accordingly. It will first describe how currently the Assembly's and the EP's Rules of Procedure and complementary texts deal with the relations between the two institutions. After having summarised the elements to be borne in mind for a provision on relations with the EP to be included in the Assembly's Rules of Procedure, a concrete proposal to this end will be submitted in the preliminary draft resolution contained in this draft report. It was approved by the Committee on 12 December 2005.

4. In this connection the rapporteur should like to underline that the strengthening of the relations between the Council of Europe and the European Union is presently one of the Organisation's priorities. In recent years several new means of co-operation between the Assembly and the EP were introduced (see paragraphs 14 to 17 of Doc. AS/Pro (2005) 20).

5. In their Warsaw Declaration of May 2005 the Heads of States and Government of the Council of Europe member States resolved to create a new framework for enhanced co-operation and interaction between the Council of Europe and the EU in areas of common concern, in particular human rights, democracy and the rule of law. They also entrusted their colleague, Jean-Claude Juncker, to prepare, in his personal capacity, a report on the relationship between the Council of Europe and the European Union.

II. The relations between the assembly and the European parliament in the current rules of procedure and complementary texts of both institutions

i. Parliamentary Assembly

6. Since the late 1950s until the 1980s the complementary texts to the Rules of Procedure of the Parliamentary Assembly contained in a special section several decisions and provisions concerning relations with the EP. They dealt entirely with the joint meetings between the Assembly and the EP which were held between 1953 and 1978. These texts specified the procedure for and the subjects to be discussed at the joint meetings. As after the first direct elections of the EP in 1979 the joint meetings were discontinued, it was no longer necessary to keep the afore-mentioned texts in the Rules booklet.

7. In 2003 the Bureau of the Assembly adopted guidelines on external relations which were included in the complementary texts contained in the Rules. These guidelines also mention the EP and indicate that its President will be invited to address the Assembly.

8. Some further provisions contained in the complementary texts refer to the EP. This is the case for example, for the provisions concerning enlarged Assembly debates on OECD activities.

ii. European Parliament

9. Already the provisional 1952 Rules of Procedure of the Assembly of the European Coal and Steel Community (ECSC), prepared by parliamentary experts, contained the following article: "At the end of each ordinary session the Presidential Committee shall appoint from its members a rapporteur to prepare a report on the activities of the Assembly. After its approval by the Presidential Committee it shall be forwarded directly by the President of the Assembly to the President of the Consultative (Parliamentary) Assembly of the Council of Europe."

10. This Rule was based on the additional Protocol to the ECSC Treaty of 1951 which entered into force in 1952 and dealt with relations with the Council of Europe and its Assembly. This Protocol provided inter alia for the preparation of activity reports for the Council of Europe by the ECSC and its Assembly. Until 1962 these reports were presented to plenary sessions of the Parliamentary Assembly and debated, mostly with the participation of the highest representatives of the European Commission. The last activity report by the EP was prepared in 1969 as it was then agreed by the Bureaux of both Assemblies to discontinue this practice.

11. However, the EP maintained until November 1997 in its Rules the afore-mentioned article, with some slight modifications of a technical character. The EP then decided to replace this article by a more up-to-date provision concerning relations with the Parliamentary Assembly. This modification had been inspired by the first ever resolution on relations with the Council of Europe which the EP had adopted in December 1993 and by suggestions made by individual members of the EP.

12. The new Rule adopted by the EP on 19 November 1997, now Rule 189 of the EP's Rules of Procedure, is worded as follows:

> *"Co-operation with the Parliamentary Assembly of the Council of Europe*
>
> *1. Parliament's bodies, particularly the committees, shall cooperate with their counterparts at the Parliamentary Assembly of the Council of Europe in fields of mutual interest, with the aim in particular of improving the efficiency of their work and avoiding duplication of effort.*
>
> *2. The Conference of Presidents, in agreement with the competent authorities of the Parliamentary Assembly of the Council of Europe shall decide the arrangements for implementing these provisions."*

13. It is to be noted that in the EP's debate on the new Rule on 17 November 1997 the EP's rapporteur underlined that

- it had been important for the majority of the EP's Committee on Rules of Procedure to maintain by means of the Rules a formally closer link with the Parliamentary Assembly than with the other European parliamentary bodies;

- the new provision recognised in terms of the Rules the importance of the special relationship with the Council of Europe.

14. Furthermore, the new EP Rule attributed the responsibility for relations with the Parliamentary Assembly to the Conference of Presidents, which is the EP's political steering body.

III. Elements to be taken into account for the preparation of a new provision of the Assembly's rules of procedure concerning relations with the European parliament

15. In the opinion of the Committee on Rules of Procedure and Immunities such a new provision should take into account in particular the afore-mentioned Rule 189 of the EP's Rules of Procedure. Obviously it should be adapted to the Assembly's particularities. Nevertheless, the aim would be to have, insofar as the contents are concerned, almost identical provisions in the Rules of the EP and the Assembly.

16. Accordingly, the Committee proposes the following wording for a new Rule on the Assembly's relations with the EP:

> *"Co-operation with the European Parliament*
>
> *1. The Bureau of the Assembly shall, in agreement with the relevant organ of the European Parliament (Conference of Presidents), decide the arrangements for co-operation of both institutions.*
>
> *2. On the basis of these arrangements, the Assembly's bodies, particularly the committees, may co-operate with their counterparts of the European Parliament in fields of mutual interest."*

17. The Committee noted that the proposed new rule does not take up the idea of reintroducing (or introducing for the Assembly) the practice of reports of both institutions on their annual activities. The reason is that the history of the relations between the two parliamentary institutions clearly shows that for more than 35 years the EP has no longer had an interest to prepare such a report.

18. Furthermore, unlike the corresponding EP Rule, the proposed new provision for inclusion in the Assembly's Rules of Procedure does not mention the need to avoid duplication of activities and to achieve improved efficiency of work. The rapporteur is of the opinion that this can be omitted, as almost all reports on EU-Council of Europe relations and texts adopted at Council of Europe Summits directly or indirectly underline the importance of preventing duplication of effort.

19. Finally, paragraph 2 of the new provision is worded in a way as to afford clarity and flexibility to the Assembly and its Committees in their work.

20. The proposed new provision could be inserted in the part of the Rules which deals with special guests, observers and other guests as the new Rule 62.

21. The Committee considers that such a new rule would have both a political and symbolic objective and also serve the purpose of achieving more transparency.

22. The relations between the EP and the Assembly had during fifty years an institutional character. They were based on the 1951 Protocol to the Paris Treaty on the institution of the ECSC which entered into force in 1952 and expired in 2002. Therefore it would be appropriate to include a rule on these relations in the Rules of Procedure of the Assembly. This would mark a difference in comparison with relations with such institutions as the OSCE Assembly, the Benelux Assembly and the Nordic Council, which are based on co-operation agreements. It would also create symmetry between the practice of the Parliamentary Assembly and the EP which have always had a provision in its Rules on relations with the Parliamentary Assembly.

23. As was rightly underlined in the above-mentioned EP debate in 1997 (see paragraph 13 above) a special provision in the Rules of Procedure on these relations would have a symbolic character.

24. Finally, this would also create greater transparency as both members and the general public would more easily find the essence of the relations between the EP and the Parliamentary Assembly in their respective Rules of Procedure which are easily accessible on the internet.

IV. Conclusions

25. On 12 December 2005, the Committee on Rules of Procedure and Immunities adopted the draft resolution contained in this report and agreed to present the report to the Standing Committee in Paris on 17 March 2006.

26. The Committee believes that the new provision is a useful tool in reinforcing the co-operation between the EP and the Parliamentary Assembly while preserving the concerned bodies liberty in their work.

Committee responsible for the report: Committee on Rules of Procedure and Immunities.

Reference to committee: Reference N°3146 of the Bu reau of the Assembly on 7.10.2005.

Draft resolution unanimously adopted on 12 December 2005.

Members of the committee: Mr Andreas **Gross**, (Chairperson), Mr Andrea **Manzella**, Mrs Ganka Samoilovska-Cvetanova (Vice-Chairpersons), Mr Sándor Albert (alternate: Mrs **Angyalova**), Mr Gulumhuseyn Alibeyli, Mr Alexander Arabadjiev, Mr Birgir Ármannsson, Mr Ioannis Bougas, Mrs Anne Brasseur, Mr Aslan **Cebeci**, Mr Jonas **Čekuolis**, Mr Manlio Collavini, Mrs Helen D'Amato, Mrs Krystyna Doktorowicz, Mr Miljenko Dorić, Mr Vangjel Dule, Mr Mats **Einarsson**, Mr Adolfo **Fernandez Aguilar**, Mr Herbert Frankenhauser, Mr Tihomir Gligorić, Mr John **Greenway**, Mrs Arlette Grosskost, Mr Gerd Höfer, Mr Serhiy Holovaty, Mr Tomáš Jirsa, Mr Armand Jung, Mr Erik **Jurgens**, Mr Tibor Kékesi, Mrs Mojca Kucler-Dolinar, Mr Markku Laukkanen, Mr Alan Meale (alternate: Mr **Vis**), Mrs Ana **Mendonça**, Mr Per Erik Monsen, Mr Jakob-Axel **Nielsen**, Mr Alexey Ostrovsky (alternate: Mr **Fedorov**), Mr Christos Pourgourides, Mrs Valentina Radulović Šćepanović, Mr Armen Rustamyan, Mr Peter **Schieder**, Mr Yuri **Sharandin**, Mr Christophe Spiliotis-Saquet, Mrs Rodica Mihaela Stănoiu (alternate: Mr **Păunescu**), Mr Victor Stepaniuc, Mr Karim Van Overmeire, Mr G.V. Wright.

NB: The names of those members present at the meeting are printed in bold.

Secretaries of the committee: Mr Mario Heinrich, Ms Linda Nylund.