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The impact of the Lisbon Treaty on the Council of Europe

Opinion¹

Committee on Culture, Science and Education

Rapporteur: Mr Gvozden Srećko FLEGO, Croatia, Socialist Group

A. Conclusions of the committee

1. The Committee on Culture, Science and Education welcomes the report of the Political Affairs Committee as a timely and important initiative for a thorough analysis of the changes in European integration achieved by the entry into force of the Lisbon Treaty nearly two years ago. The European Union has not only grown in membership, but has also considerably enlarged its own legislative powers and its internal democratic processes.
2. Human rights and criminal law, which have been domains of excellence of European co-operation established by the Council of Europe over decades, are now also within European Union competence. Culture, education and sport remain sectors where subsidiarity fully applies and harmonisation of national legislation is expressly excluded from EU competences. However, Article 165(3) and Article 167(3) of the Treaty on the Functioning of the European Union stipulate that the European Union and its member states shall foster co-operation with the Council of Europe in these sectors.
3. The European Union also participates in the Bologna Process, especially through the provision of huge funds to, for example, the Erasmus student exchange programme. The legal backbone of the Bologna Process is, however, the Council of Europe's Cultural Convention (ETS No. 18) of 1954 and the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165) of 1997. This task-sharing between the European Union and the Council of Europe (or rather the ministries and parliaments represented in the Council of Europe) is in line with Articles 165 and 167 of the Treaty on the Functioning of the European Union.
4. Through the Lisbon Treaty, the legislative function of the European Parliament has been strengthened and more emphasis is now placed on co-operation with national parliaments of EU member states. In addition, co-operation is also maintained in the framework of the Euronest Parliamentary Assembly and the Parliamentary Assembly of the Union for the Mediterranean. Therefore, intensified inter-parliamentary co-operation is necessary.
5. The committee regrets that the reform of the intergovernmental sector of the Council of Europe was accomplished before the present analysis of the impact of the Lisbon Treaty on the Council of Europe. However, the committee believes that the statutory function of the Assembly is well pursued by raising political initiatives with the Committee of Ministers and member parliaments on the basis of this report.
6. Therefore, the committee proposes a few amendments to the excellent report prepared by Ms Kerstin Lundgren for the Political Affairs Committee.

1. Reference to committee: [Doc. 12114](#), Reference 3640 of 29 January 2010. Reporting committee: Political Affairs Committee. See [Doc. 12713](#). Opinion approved by the committee on 3 October 2011.



B. Proposed amendments

– to the draft resolution

Amendment A (to the draft resolution)

In sub-paragraph 8.1, add after the words “the Convention on Cybercrime (ETS No. 185)” the following words:

“; the Convention on Human Rights and Biomedicine (ETS No. 194); the Anti-Doping Convention (ETS No. 135)”.

Amendment B (to the draft resolution)

In paragraph 9.6, after the words “Council of Europe conventions or monitoring mechanisms” add the following words:

“as well as partial agreements”.

Amendment C (to the draft resolution)

After paragraph 11, insert the following paragraph:

“Welcoming the informal contacts established between the Council of Europe and the European Data Protection Supervisor of the European Union, the Assembly invites the Council of Europe’s Data Protection Commissioner and the European Data Protection Supervisor to reinforce their mutual co-operation.”

– to the draft recommendation

Amendment D (to the draft recommendation)

After paragraph 4.3, add the following sub-paragraph:

“reinforce co-operation between the Council of Europe and the European Union in the spheres of culture, education and sport, as stipulated in Articles 165(3) and 167(3) of the Treaty on the Functioning of the European Union;”.

C. Explanatory memorandum by Mr Flego, rapporteur for opinion

Amendment A

The Council of Europe drew up the only international treaties on anti-doping in sport (Anti-Doping Convention, ETS No. 135) and on bioethics (Convention on Human Rights and Biomedicine, ETS No. 164). It is important that the European Union accede to both treaties.

Amendment B

The European Commission already co-operates informally in several partial agreements of the Council of Europe. With the legal personality of the European Union after the entry into force of the Lisbon Treaty, it is important to have the European Union join partial agreements as an equal and full member. Due to its own related work in relevant fields, the European Union should be particularly interested in acceding to the North-South Centre (Lisbon), the European Centre for Modern Languages (Graz), the Pompidou Group (Strasbourg), the EUR-OPA Major Hazards Agreement (Strasbourg), the Enlarged Partial Agreement on Sport (Strasbourg) and the Enlarged Partial Agreement on Cultural Routes (Luxembourg).

Amendment C

The European Union created the post of European Data Protection Supervisor for its organs and bodies, and the Council of Europe has established the post of Data Protection Commissioner for its own bodies. Data protection is of growing importance with the massive growth of computer networks and devices in both organisations. It is a matter of common sense to reinforce the mutual co-operation of the European Data Protection Supervisor of the European Union and the Council of Europe’s Data Protection Commissioner.

Amendment D

Articles 165(3) and 167(3) of the Treaty on the Functioning of the European Union stipulate that the European Union and its member states shall foster co-operation with the Council of Europe in the spheres of culture, education and sport. It is therefore important for the Council of Europe to be proactive in reinforcing such co-operation and to work effectively with member states and the European Union in developing cultural policies at European level and also beyond the European Union.