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The impact of the Eastern Partnership of the European Union on governance and economic development in eastern Europe

Reply to Recommendation[1]: Recommendation 1971 (2011)
Committee of Ministers

1. The Committee of Ministers points out that the Council of Europe's role in the implementation of the Eastern Partnership, and the dialogue with the European Union in this respect, should be seen in the wider framework of the ongoing strengthening of the partnership between the Council of Europe and the European Union, which is built on the Memorandum of Understanding of 2007 between the two organisations and on the relevant provisions of the European Union Lisbon Treaty.

2. Given that all but one Eastern Partnership partner countries are members of the Council of Europe, the Committee of Ministers believes that, whenever feasible, it is a great opportunity for the Council of Europe, in partnership with the countries concerned, to promote through the Eastern Partnership its standards and norms on human rights, democracy and the rule of law. In this respect, it recalls the permanent participation of the Council of Europe Secretariat in the Eastern Partnership's Platform 1 on "Democracy, good governance and stability" and Platform 4 on "Contacts between People".

3. In terms of specific co-operation under the Eastern Partnership, on 15 December 2010, the Secretary General of the Council of Europe and the Commissioner responsible for Enlargement and European Neighbourhood Policy of the European Union signed an agreement on a financial Facility instrument of 4M Euros in order to implement concrete activities based on priority areas established within Platform 1 of the Eastern Partnership. The implementation period started on 1 March 2011 and will last 30 months. It includes four areas of co-operation: electoral standards, support to the judiciary, the fight against corruption and the fight against cybercrime.[2] The main objective of the Facility is to provide support to partner countries for their reform processes through a multilateral peer-review approach and an exchange of best practices in line with Council of Europe and European Union standards in core areas covered by Platform 1. The Facility strengthens the follow-up to findings of Council of Europe monitoring and advisory bodies in selected priority areas by providing the necessary resources to mobilise expertise and peer advice.

4. The Committee of Ministers encourages Belarus to make full use of its involvement in the work of the Facility and to participate at an appropriate level in the work of all its components.

5. This innovative approach to joint activities between the Council of Europe and the European Union illustrates the well-recognised benchmarking and advisory role of the Council of Europe as well as its recognition as a major partner of the European Union to implement co-operation activities.

6. In this context, the Council of Europe will be prepared to examine, together with the European Union, further specific opportunities of co-operation under Eastern Partnership, in the light of the conclusions of the Summit of Eastern Partnership held in Poland on 29 and 30 September 2011.

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1. adopted at the 1125th meeting of the Ministers' Deputies (9 November 2011)
2. Full information on the projects implemented under the Facility is available on http://www.coe.int/t/dgap/eap-facility/

7. Regarding the involvement of the Council of Europe in the work of the OECD's Development Assistance Committee (DAC), the Committee of Ministers supports this proposal and invites the Secretariat to pursue efforts to this end. The final decision concerning the addition of the Council of Europe to the list of international organisations eligible to receive Official Development Assistance remains with the OECD. The Committee of Ministers notes that 21 of the 24 members of the DAC are Council of Europe member or observer states.

8. The Conference of INGOs regularly invites representatives of the Eastern Partnership Civil Society Forum to report to its Democracy, Social Cohesion and Global Challenges Committee. Civil society representatives are involved in particular in Electoral standards and Support to the judiciary components of the Facility. The Co-chairs of the Civil Society Forum for the Eastern Partnership attended a hearing during the first Steering Committee of the Facility, held in Brussels on 5 May 2011.

9. Moreover, the NGO election project of the Facility was developed in co-operation with NGOs from Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine which participated in the Fourth Regional NGO Congress on "The role of NGOs in a pluralist democracy", organised by the Conference of INGOs in Vilnius from 10 to 12 June 2010.

10. Regarding the participation of member states and Belarus in various Council of Europe conventions, the Committee of Ministers would like to recall that:

10.1. Belarus has been a Party to both the Criminal and the Civil Law Conventions on Corruption (ETS Nos. 173 and 174) since 1 March 2008 and 1 July 2006 respectively. Moreover, with the entry into force on 13 January 2011 of the Agreement between Belarus and the Council of Europe concerning the privileges and immunities of the representatives of members of the Group of States against Corruption and the members of GRECO evaluation teams, the participation of Belarus in GRECO became effective.

10.2. As regards the possible participation of Belarus in the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on Financing of Terrorism (ETS No. 198), this Convention updates and expands the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141). These conventions are both open, which require an invitation by and agreement of the Committee of Ministers. Belarus is not Party to ETS No. 141 and is not a member of MONEYVAL, but is a member of the Eurasian Group on Money Laundering (EAG) which enjoys the equivalent of observer status under MONEYVAL's statute. The Convention ETS No. 198 has been promoted by MONEYVAL within the EAG as an instrument which can help countries to achieve greater success in money laundering conviction and in confiscation in major proceeds-generating cases.

10.3. All Eastern Partnership partner countries, with the exception of Belarus, are subject to MONEYVAL's evaluation procedures as Council of Europe members. All member states of the Council of Europe are Parties to ETS No. 141 and the Committee of Ministers encourages those member states which have not yet signed and ratified ETS No. 198 to consider doing so.

11. Concerning greater use by Belarus of its associate member status with the Venice Commission, in October 2010, the enlarged Bureau of the Venice Commission, in the light of the announced request for an opinion on the law on the constitutional court, decided to resume co-operation with Belarus. At the plenary session of December 2010, during an exchange with the Deputy Chairman of the Constitutional Court of Belarus, the President of the Venice Commission stressed that requests for legal assessment of new pieces of legislation would help strengthen that co-operation and accelerate democratic reforms in the country.

12. At the same time, the Venice Commission has recently prepared three opinions at the request of the Parliamentary Assembly.[3] Another opinion requested by the Parliamentary Assembly on the compatibility with universal human rights standards of Article 193-1 of the Criminal Code of Belarus, vis-à-vis the rights of non-registered associations in this country, was adopted in October 2011. The Committee of Ministers encourages

3. CDL-AD(2011)026 Opinion on the compatibility with universal human rights standards of an official warning addressed by the Ministry of Justice of Belarus to the Belarusian Helsinki Committee http://www.venice.coe.int/docs/2011/CDL-AD(2011)026-e.pdf

CDL-AD(2010)053rev Opinion on the warning addressed to the Belarusian association of journalists on 13 January 2010 by the Ministry of Justice of Belarus http://www.venice.coe.int/docs/2010/CDL-AD(2010)053rev-e.pdf

CDL-AD(2010)012 Joint Opinion on the Amendments to the Electoral Code of the Republic of Belarus as of 17 December 2009 http://www.venice.coe.int/docs/2010/CDL-AD(2010)012-e.pdf.

Belarus to make full use of its status with the Venice Commission in order to step up its co-operation with the Council of Europe, with a view to the legal assessment of current and new pieces of legislation and its compatibility with Council of Europe standards.