Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1365 (1998)[1]

Relations with the European Union (follow-up to the European Union's Amsterdam Summit)

Parliamentary Assembly

1. The European Union's Amsterdam Treaty has given increased competence to the Union in areas in which the Council of Europe has been active for many years and in which it has established a considerable acquis.

2. The Assembly welcomes the strengthening of human rights protection within the Union. Accession of the European Community (and the Union, once it acquires international legal personality) to the European Convention on Human Rights would further strengthen this protection and eliminate the current risk of divergent case-law between the European Court of Justice and the European Court of Human Rights.

3. The Assembly also welcomes the explicit reference to the Council of Europe's Social Charter in the Amsterdam Treaty. The best way to achieve the objectives of the new Article 117 of the Treaty would be accession of the European Community (Union) as such to the Social Charter.

4. Both the European Union and the Council of Europe carry out important activities in the cultural field. The Assembly therefore reiterates its call to the European Community (Union) to adhere to the European Cultural Convention.

5. The Assembly notes with satisfaction that co-operation between the Council of Europe and the European Union takes place as regards justice and home affairs. A concrete example was the Octopus programme (June 1996-December 1997) on the fight against corruption and organised crime. The Assembly strongly supports the establishment of an Octopus II programme.

6. The Council of Europe has established important conventions and its Committee of Ministers has adopted several recommendations regarding police and judicial co-operation in criminal matters. The Assembly considers that the possibility of opening these conventions to accession by the European Union, once it acquires international legal personality, and implementation by the Union of the relevant recommendations, merits close examination.

7. The Assembly notes that the European Community is already a party to certain Council of Europe conventions. Since 1987, all Council of Europe conventions dealing with matters in which the Community is competent contain a clause enabling the European Community to accede. However, the most recent convention to which the European Community has acceded dates back to 1979. The Assembly therefore calls on the European Community (Union) to accede to all conventions which foresee this possibility.

8. The Assembly further considers that the possibility of accession of the Community (Union) – without replacing its member states – to the Statute of the Council of Europe should also be actively examined. The Assembly notes in this context that the Community has already acceded to international organisations, such as the Food and Agriculture Organisation (FAO).

1. Assembly debate on 21 April 1998 (10th Sitting) (see Doc. 8051, report of the Political Affairs Committee, rapporteur: Mr Woltjer). Text adopted by the Assembly on 21 April 1998 (10th Sitting).

9. The Amsterdam Treaty strengthens the European Union's common foreign and security policy (CFSP). Article J.9 provides that member states shall co-ordinate their action in international organisations and shall uphold common positions in such fora. The Assembly considers that the implementation of this provision would enhance political dialogue within the Committee of Ministers. Increased contacts between the Committee of Ministers' Deputies and the High Representative for the common foreign and security policy on issues of common concern are thus to be encouraged.

10. The Assembly notes that the European Conference, to which all states having applied for European Union membership are invited, held its first meeting in London on 12 March 1998. The Assembly considers it essential that the Council of Europe, given its role in the political and legal preparation of candidates for European Union membership, be invited to participate in the conference.

11. The Assembly welcomes the quadripartite meetings between the European Union and the Council of Europe. It recalls its position that these meetings should also have a parliamentary dimension.

12. The Assembly resolves to increase its co-operation with the European Parliament regarding:

12.1. the promotion of human rights, democracy and the rule of law, including its monitoring procedure, and assistance programmes;

12.2. the observation of elections.

13. The Assembly recommends that the Committee of Ministers:

13.1. promote actively the accession of the European Community (Union) to all Council of Europe conventions which foresee this possibility as well as to the European Convention on Human Rights, the European Social Charter and the European Cultural Convention;

13.2. create the possibility for the European Union, once it acquires international legal personality, to adhere to the Council of Europe's conventions regarding co-operation police in criminal matters;

13.3. re-examine the question of accession by the European Community (Union) to the Council of Europe;

13.4. take the necessary steps to ensure the participation of the Council of Europe in the European Conference;

13.5. propose that the presidents of the Assembly and the European Parliament be invited to the next quadripartite meeting;

13.6. establish regular contacts, at Deputies' level, with the High Representative for the common foreign and security policy.