Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1479 (2000)[1]

Charter of Fundamental Rights of the European Union

Parliamentary Assembly

1. The Assembly draws attention to its Recommendation 1439 (2000) on a charter of fundamental rights of the European Union, adopted on 25 January 2000, in which it recommended that the Committee of Ministers of the Council of Europe support the accession of the European Union to the European Convention on Human Rights and prepare the appropriate amendments to this treaty.

2. It notes that, at its 106th Session (10 and 11 May 2000), the Committee of Ministers stressed the need to ensure that, whatever decision the institutions of the European Union might take concerning the charter, it did not lead to new dividing lines in Europe. The charter should be fully consistent with, and not weaken, the system for the protection of human rights provided, under the European Convention on Human Rights, to all citizens of the Council of Europe's member states, including those of the European Union.

3. Although the Assembly welcomes the fact that the Committee of Ministers shares its concern that there should be no rivalry between the two systems of human rights protection in Europe, it regrets that it has not yet reached a consensus concerning the accession of the European Union to the European Convention on Human Rights, an approach which, despite the technical objections of the European Union's Court of Justice in Luxembourg a few years ago (which can easily be solved), has repeatedly received the backing of the other institutions concerned: the European Parliament, the European Commission and the European Court of Human Rights.

4. The Assembly is not aware of any factor opposing accession from a legal point of view. It thus fervently hopes that the political will which, up to now, has prevented the process from going ahead, can be mustered soon.

5. The Assembly also recommends that the Committee of Ministers bear in mind that Europe will always be larger than the European Union and will always include a certain number of non-member states of the Union. There is therefore a need for practical, organic relations between the Council of Europe and the European Union, based on complementarity and co-operation, which take account of the Council of Europe's role and distinctive features.

6. The Assembly urges the Committee of Ministers to support the principle whereby the social rights guaranteed by the charter as adopted by the European Council must correspond to those set forth in the Revised European Social Charter, the Council of Europe instrument which sets the standard where fundamental social rights are concerned and is one of the pillars of the European social model.

7. With reference to Resolution 1228 (2000) on a charter of fundamental rights of the European Union the Assembly therefore recommends that the Committee of Ministers enter into negotiations with the European Union without delay in order to enable the Union to accede to the European Convention on Human Rights as soon as possible by drawing up the necessary amendments to both the European Union treaties and the European Convention on Human Rights.

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1. Assembly debate on 29 September 2000 (32nd Sitting)(see Doc. 8819, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Magnusson; Doc. 8846, opinion of the Political Affairs Committee, rapporteur: Mr Clerfayt; and Doc. 8847, opinion of the Social, Health and Family Affairs Committee, rapporteur: Mr Evin). Text adopted by the Assembly on 29 September 2000 (32ndSitting).