



Recommendation 1743 (2006)¹

Memorandum of understanding between the Council of Europe and the European Union

Parliamentary Assembly

1. The Parliamentary Assembly attaches great importance to relations between the Council of Europe and other institutions. It supports in particular the intensification of co-operation and political dialogue with the European Union.
2. Furthermore, the Assembly has consistently played a leading role in the reflection on the relations between the Council of Europe and the European Union. It is therefore essential for it to make its voice heard in this debate and to contribute with all the wealth and weight of its experience.
3. The Assembly recalls that immediately after the 3rd Summit of Heads of State and Government of the Council of Europe it welcomed the decision 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”.
4. In the action plan adopted at the summit, the heads of state and government agreed on guidelines on the relations between the Council of Europe and the European Union. These guidelines call for an enhanced partnership to promote the common objective of a Europe without new dividing lines. On the basis of these guidelines, it was agreed to draft a memorandum of understanding between the Council of Europe and the European Union.
5. The Assembly already welcomed the decision taken at the 3rd Summit to entrust Mr Jean-Claude Juncker, Prime Minister of Luxembourg, with the preparation of a report, in his personal capacity, on the relationship between the Council of Europe and the European Union. The Assembly has consistently offered its full support to Mr Juncker’s mission. As a contribution to Mr Juncker’s report, the President of the Assembly prepared a position paper on the relations between the Council of Europe and the European Union, which was endorsed by the Bureau.
6. Mr Juncker presented his report to the Assembly on 11 April 2006. The Assembly considers that it provides an innovative approach, encouraging proposals and valuable political guidance for efficient co-operation between the two institutions.
7. As regards its co-operation with the European Parliament, the Assembly declares its readiness to develop activities by creating joint bodies, if necessary, and encourages its committees to enhance their contacts with the relevant committees of the European Parliament.
8. The Assembly notes that a preliminary draft memorandum of understanding is already under consideration by the Committee of Ministers.
9. The Assembly recommends to the Committee of Ministers:
 - 9.1. to take full account of Mr Juncker’s report in preparing the memorandum of understanding;

1. Assembly debate on 13 April 2006 (14th Sitting) (see [Doc.10892](#), report of the Political Affairs Committee, rapporteur: Mr Kosachev). Text adopted by the Assembly on 13 April 2006 (14th Sitting).



- 9.2. to consult formally the Assembly before concluding the memorandum of understanding, in light of the obvious need to bring Europe closer to its citizens;
- 9.3. to ensure that the Assembly is fully involved in the decision-making process relating to the final document;
- 9.4. to propose to the Council of the European Union:
 - 9.4.1. to make use of ministerial conferences, amongst others, in the fields of culture, education and justice to increase co-operation in these areas, in particular by convening the relevant European Councils on the occasion of these conferences;
 - 9.4.2. to include in the agenda of one of its meetings the adoption of a strategy for co-operation with the Council of Europe;
- 9.5. pending the consultation of the Assembly, to propose to the European Union to include the following proposals in the memorandum of understanding:
 - 9.5.1. with a view to avoiding any duplication, systematically take into account the work of Council of Europe bodies in the European Union's action in the relevant areas, in particular when considering the setting-up of European Union agencies; with a view to avoiding any duplication, systematically take into account the work of Council of Europe bodies in the European Union's action in the relevant areas, in particular when considering the setting-up of European Union agencies;
 - 9.5.2. acknowledge that the Council of Europe must remain the benchmark for human rights, the rule of law and democracy in Europe, in particular ensuring that the European Union bodies recognise the Council of Europe as the Europe-wide reference in terms of human rights and that they systematically act in accordance with the findings of the relevant monitoring structures;
 - 9.5.3. accede to the European Convention on Human Rights and thus contribute to the creation of a single legal mechanism for the protection of human rights, applied on an equal basis to all European states and other bodies exercising competence affecting the rights protected by the European Convention on Human Rights;
 - 9.5.4. study the steps that would lead to the development of a coherent European legal order by incorporating the main Council of Europe standard-setting instruments into the European Union legal system, or by acceding to major Council of Europe legal instruments, which the Committee of Ministers should identify, as has already been repeatedly requested by the Assembly;
 - 9.5.5. ensure the Commissioner for Human Rights becomes the European institution to which the European Union, like all of the Council of Europe member states, could refer all human rights problems not covered by the existing monitoring and supervisory mechanisms, and urge the Council of Europe member states to increase significantly the resources of the Commissioner's office to enable the Commissioner to carry out this task;
 - 9.5.6. replace the "disconnection clause" by a "modulation clause", making it clear that European Union member states are to abide by Council of Europe conventions, partly through the exercise of the European Union competence. In the case of inconsistencies, the normal mechanism of reservations should be used;
 - 9.5.7. set-up a co-ordination committee in the field of standard setting with a view to increasing co-operation in the drafting of new international legal instruments;
 - 9.5.8. ensure that the European Union and the Council of Europe devise together a strategy and implement a mechanism to promote democracy, making full use of the expertise of the European Commission for Democracy through Law (Venice Commission) and the new Forum on the Future of Democracy created at the 3rd Summit;
 - 9.5.9. integrate the standards and values of the Council of Europe and use its expertise in the European Neighbourhood Policy;
 - 9.5.10. make use of the Council of Europe as a forum for intercultural dialogue;
 - 9.5.11. make the institutional relations between the European Union and the Council of Europe more substantial, with high-level meetings for the co-ordination of activities, focusing on strategic issues and held at regular intervals, and with additional meetings dealing with urgent issues also possible;

9.5.12. open a permanent office of the European Commission in Strasbourg to ensure closer contact with the Council of Europe and guarantee the participation of its representatives in the relevant working meetings;

9.5.13. give a parliamentary dimension to the quadripartite meetings with a view, in particular, to making them more democratic and transparent;

9.5.14. improve co-operation between the Assembly and the European Parliament based on the recognition of common values and interests, in an effective and pragmatic manner;

9.5.15. give a major role to the Assembly and the European Parliament in defining future relations between the European Union and the Council of Europe.

10. Finally, the Assembly considers that the Council of Europe and the European Union should commit themselves to reviewing their memorandum of understanding within five years of the date of signature in order to assess its effectiveness and to take into account developments in the fields of common interest.