



Doc. 12892
05 April 2012

The impact of the Lisbon Treaty on the Council of Europe

Reply¹ to Recommendation 1982 (2011)
Committee of Ministers

1. Like the Parliamentary Assembly, the Committee of Ministers considers that the entry into force of the Lisbon Treaty in 2009 has created new opportunities for a reinforced partnership between the Council of Europe and the European Union (EU), based on their respective *acquis* and comparative advantages² and with due regard for their respective mandates. In addition, the Committee of Ministers points out that the strengthening of the partnership between the Council of Europe and the EU is part of the reform of the Organisation, which shall enable the Council of Europe to fully play its role in Europe, notably as the benchmark for human rights, the rule of law and democracy, in line with the Memorandum of Understanding concluded between the two organisations in 2007.

2. The Committee of Ministers considers that the Council of Europe and the EU need to join forces in order to better address relevant challenges facing Europe and its neighbourhood. It agrees with the Assembly that this values-based partnership should also aim to “ensure coherence between the pan-European project promoted by the Council of Europe and the integration process initiated by the EU” and considers that it should ultimately lead to a Europe without dividing lines. The Committee of Ministers further points out that the EU is a key partner for the achievement of Council of Europe aims. The consolidation of this partnership remains a priority.

3. Against this background, the Committee of Ministers recalls that political consultations between the Council of Europe and the EU are regularly taking place at the highest level. These consultations have already resulted in increased policy co-ordination and set a framework for intensified collaboration at operational level, including in the field. This new dynamic has been further consolidated through “high-level political dialogue meetings” between, on the one hand, the chairmanship of the Committee of Ministers and the Secretary General and, on the other hand, the EU High Representative for Foreign Affairs and Security Policy, as well as informal ad hoc meetings between the Secretary General and leaders of the EU on current European affairs.

4. The Committee of Ministers also recalls that co-operation between the Council of Europe and the EU is regularly on its agenda. On 16 November 2011, the Ministers’ Deputies were seized of a summary report on co-operation between the Council of Europe and the EU and instructed their Rapporteur Group on External Relations (GR-EXT) to further report on this matter to enable them to conduct a yearly review of this co-operation.

5. Contacts have also intensified with a view to further ensuring coherence between the EU legislation and Council of Europe standards, the promotion of these standards and synergies with monitoring mechanisms of the Council of Europe. In particular, leaders of the Council of Europe and the EU have repeatedly expressed their strong commitment to a swift and successful conclusion of the accession of the EU to the European Convention on Human Rights (ECHR). EU accession to the ECHR will also significantly change the nature of

1. 2012 - Second part-session

2. See decisions of the Committee of Ministers on relations between the Council of Europe and the European Union, adopted on 11 May 2010 (120th Ministerial Session).



relations between the Council of Europe and the EU, since it will ultimately lead to a stronger participation of the EU in the Council of Europe's human rights protection system.³ The Committee of Ministers hopes that all outstanding issues will be satisfactorily resolved soon and it will be closely involved in the process.

6. As to the accession of the EU to other Council of Europe conventions, the Committee of Ministers recalls that one of the objectives of the ongoing review of conventions of the Organisation is to identify ways of facilitating EU accession to existing and future Council of Europe conventions, ensuring coherence between the Council of Europe and the EU in the areas of human rights, the rule of law and democracy. Like the Parliamentary Assembly, the Committee of Ministers shares the view set out in the resolution of the European Parliament of 19 May 2010, in which accession by the EU to the ECHR is seen as an essential first step which could be complemented by accession by the Union to other Council of Europe instruments and bodies. In that respect, the Committee of Ministers notes with satisfaction that discussions are ongoing on participation of the EU in GRECO and the Conference of the Parties to the Warsaw Convention.⁴ The Commission also works together with the Council of Europe on the ongoing revision of the Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) in order to ensure coherence with the reform of the EU data protection framework. In addition, consultations are regularly taking place with various EU institutions in the course of the elaboration of new EU legal instruments, particularly those covering human rights, as in the case of the measures set out in the Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings. The Committee of Ministers further notes with satisfaction that an Informal Mutual Information Mechanism has been set up to provide more early information on respective normative initiatives. It also recalls that MONEYVAL's monitoring processes uniquely include an assessment of members' compliance with the EU anti-money laundering directive and related implementing measures. The use of and support for the Venice Commission's expertise by the EU is another particularly good example of co-operation.

7. On the basis of the agreement concluded in 2008 between the Council of Europe and the European Community, synergies have also been established between the Organisation and the Agency for Fundamental Rights of the EU (FRA) and will be further developed, including in the areas of children's rights, migration and asylum. Progress made in this respect is regularly reviewed by the GR-EXT. On Roma issues, co-operation and co-ordination have been further developed with the EU by means of the signature on 6 July 2011 of a partnership agreement in respect of the European Training Programme for Roma Mediators (ROMED), active participation by the EU and the Council of Europe in each other's Roma-related activities and through the Informal Contact Group and EU Platform for Roma Inclusion. The EU has also expressed clear support for the Council of Europe's work on freedom of expression and the protection of human rights in the field of Internet governance. Finally, the two organisations will continue their dialogue on the issues raised in the report of the Group of Eminent Persons of the Council of Europe.

8. Concerning joint actions and "financial partnership" with the EU, the Committee of Ministers notes that joint programmes between the Council of Europe and the EU have remained an important tool for promoting human rights, democracy and the rule of law in Europe, in line with the Council of Europe's standards and findings of its monitoring mechanisms. They represent the largest source of funding sustaining Council of Europe technical assistance and co-operation projects in support of democratic stability in Europe. It will be important to ensure that Council of Europe access to EU funding within these core areas of the Organisation is maintained.

9. A €4 million EU-financed "Facility" is being implemented with the countries of the Eastern Partnership of the EU through a series of multilateral activities. In addition, a link is currently being established between the new Neighbourhood Policy of the EU and the Policy of the Council of Europe towards neighbouring regions, in order to jointly support reform processes in countries of the Mediterranean area based on a demand-driven and targeted approach. A €4.8 million EU-financed "Council of Europe Programme for strengthening democratic reform in the Southern Neighbourhood" was concluded on 17 January 2012 for the Council of Europe to implement activities with Morocco and Tunisia, as well as a number of regional activities, in the framework of its "Neighbourhood co-operation priorities" with these countries. Possible interactions with other countries of the Mediterranean area are also explored and EU-financed joint programmes with Kazakhstan are being prepared. These joint actions and the regular consultations between the Council of Europe and the EU with respect to countries participating in the EU's Neighbourhood Policy illustrate the increasing benchmarking role of the Council of Europe in the context of the EU's external policies.

3. In the Court; in the Parliamentary Assembly (which elects judges sitting in the Court); and in the Committee of Ministers (which supervises the execution of the Court's judgments).

4. 2005 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) to which the European Union is a signatory since 2 April 2009.

10. The Committee of Ministers further points out that the opening of a delegation of the EU to the Council of Europe in Strasbourg, as a consequence of the entry into force of the Lisbon Treaty, and the reinforcement of the Council of Europe Liaison Office in Brussels, which is part of the reform of the Organisation, have significantly facilitated the reinforcement of the co-operation. In addition, recent initiatives, such as jointly organised training courses on the Council of Europe for the staff of the European Commission and the European External Action Service, as well as public events facilitated by the Liaison Office in Brussels, have significantly contributed to raising the visibility of the Organisation and the partnership with the EU and shall be further developed.

11. The Committee of Ministers welcomes the improved co-operation of the Assembly with the European Parliament, and its resolve to further enhance their relations, including pursuing the work of their Joint Informal Body created to improve information sharing between the two bodies. It takes note of the Assembly's intention to further pursue exchanges of views, joint activities and information exchange between members of the Assembly and of the European Parliament at committee level.

12. Finally, the Committee of Ministers takes note of the Assembly's proposal to give further consideration to the question of EU accession to the Council of Europe's Statute, already recommended in 2006 by the Juncker report on "Council of Europe – European Union: A sole ambition for the European continent". The Committee recalls that this was considered a long-term objective by Mr Juncker, which would need to be discussed in due time.