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European Union and Council of Europe Human Rights Agendas: Synergies not Duplication!

Reply to Recommendation¹: Recommendation 2027 (2013)
Committee of Ministers

1. The Committee of Ministers has given careful consideration to Parliamentary Assembly Recommendation 2027 (2013) concerning co-operation with the European Union. The Committee recalls that it conducts a yearly review of this co-operation, which figures regularly on the agenda of its Ministerial Sessions. Thus, in May 2013, it took note with appreciation of the development of the co operation based on the 2007 Memorandum of Understanding between the Council of Europe and the European Union, which recognises the Council of Europe as the benchmark for human rights, the rule of law and democracy in Europe. The 2007 Memorandum remains a sound basis to guide and structure the strategic, values-based partnership between the Council of Europe and the European Union.

2. The Committee of Ministers also recalls that the protection and promotion of human rights is a common objective of the Council of Europe and the European Union. Therefore it welcomes the European Union's efforts to strengthen its capacity to contribute to the protection of human rights and the rule of law, whilst stressing the need to avoid duplication and ensure coherence and complementarity between its protection system and that of the Council of Europe. The establishment of the European Union Agency for Fundamental Rights (FRA) and the appointment of a Special Representative for Human Rights should be viewed from this perspective. Indeed, very good co-operation has developed between the Council of Europe and the FRA in various areas on the basis of their respective mandates, strengths and skills. Both parties agree that the 2008 Agreement between the European Union and the Council of Europe remains a valid basis for co-operation between the FRA and the Council of Europe. Useful contacts have also been established between the Council of Europe Commissioner for Human Rights and relevant European Union institutions, notably the European Union Special Representative for Human Rights. Contacts have also increased with a view to furthering coherence between Council of Europe standards and European Union legislation, as well as synergies between the European Union and Council of Europe monitoring bodies. In this regard, the Committee of Ministers continues to attach particular importance to the swift accession of the European Union to the European Convention on Human Rights. It considers that the accession of the European Union will further enhance the coherence in the protection of human rights across the continent for the benefit of all Europeans.

3. The Committee of Ministers further recalls that the strengthening of the partnership between the Council of Europe and the European Union is an essential part of the reform process of the Organisation, which aims notably at reinforcing its role as the benchmark for human rights, the rule of law and democracy in Europe.

4. With regard specifically to the recent proposals for an European Union framework to strengthen compliance of European Union member States with rule of law standards, the Committee of Ministers fully supports the efforts deployed by the Secretary General, who has intensified his political consultations with the European Union institutions, emphasising in particular the message that a possible future European Union framework should take into account the instruments and expertise of the Council of Europe and co-operate closely with it.

1. Adopted at the 1192nd meeting of the Ministers' Deputies (19-21 February 2014).



5. In the absence of detailed information about the contents and implications of such possible future European Union framework, the Committee of Ministers considers it premature to perceive these initiatives as undermining the role of the Council of Europe or of the Convention system in the pan-European human rights architecture. Dialogue between the Council of Europe and the European Union in this respect should lead to synergies in full respect of the principles set out in the 2007 Memorandum of Understanding, where it is stated, *inter alia*, that the European Union “regards the Council of Europe as the Europe-wide reference source for human rights”, and that “while preparing new initiatives in this field, the Council of Europe and the European Union institutions will draw on their respective expertise as appropriate through consultations”.
6. The Committee of Ministers also highlights the essential contribution made by the European Union to a number of Council of Europe initiatives, and welcomes measures taken by the European Union to foster the participation of member and non-member States of the European Union in the conventions of the Council of Europe.
7. As regards the invitations addressed by the Assembly to the European Union, the Committee of Ministers recalls that these questions are regularly addressed with relevant European Union representatives, both in the context of the regular high-level political dialogue and at operational level.
8. In conclusion, the Committee of Ministers reaffirms its strong commitment to the strengthening of the human rights protection system in Europe, of which the European Convention on Human Rights is the cornerstone. It will continue to follow closely the issues raised by the Assembly, including in the framework of its regular review of the co-operation with the European Union.