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## Establishment of an European Union mechanism on democracy, the rule of law and fundamental rights

### Motion for a resolution

tabled by the Committee on Rules of Procedure, Immunities and Institutional Affairs

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This motion has not been discussed in the Assembly and commits only those who have signed it

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On 25 October 2016, the European Parliament adopted a resolution proposing that the European Union establish a binding mechanism to monitor the situation of democracy, the rule of law and human rights in the 28 member States and to ensure compliance with the EU fundamental values and implementation of the European treaties.

This is both a legitimate and a consistent approach from an EU perspective. Nonetheless, there is no doubt that a mechanism of this type, if it were to come about, would – on account of its substance and scope – have a clear impact on the Council of Europe, its standard-setting *acquis* and the implementing mechanisms of its conventions. In point of fact:

- this mechanism refers to the Council of Europe *acquis* and includes in its “legal basis” several Council of Europe conventions – in particular the European Convention on Human Rights and the European Social Charter – to which the European Union is not a Party;
- certain Council of Europe bodies will be called upon to collaborate with the European Union under this mechanism – the Venice Commission, the Group of States against Corruption (GRECO), the Council of Europe’s Commissioner for Human Rights, the Congress of Local and Regional Authorities and the European Commission for the Efficiency of Justice (CEPEJ).

The Parliamentary Assembly should examine the extent to which the introduction of this planned EU mechanism will call into question the Council of Europe’s instruments to promote and protect human rights, whether there is a risk of duplication of and competition with the Council of Europe’s mechanisms and a risk of an overlap of standards. More particularly, it should gauge the potential impact on its own mode of operation, in particular its procedure to monitor the obligations and commitments entered into by member States.

