Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1290 (2002)[1]

Future of the co-operation between European institutions

Parliamentary Assembly

1. Europe is reaching an important point in its evolution. The prospective enlargement of the European Union presents it with a formidable challenge. The European Convention, set up by the Laeken Summit, will pave the way for institutional reform and a constitutional framework. Its outcome will have consequences for all the institutions of Europe, including the Council of Europe.

2. The Council of Europe, as the most longstanding and comprehensive of the continent's institutions, needs to reconfirm its unique position among them, based upon its principal assets: the European Convention and Court of Human Rights. These, together with its experience of striving to secure the highest standards of democracy and the rule of law, should be the basis for new forms of co-operation with the enlarging European Union.

3. The Parliamentary Assembly recalls the outstanding achievements of the Council of Europe in the pursuance of its statutory aim to achieve greater unity between its members for the purpose of safeguarding and realising the ideals of pluralist democracy, human rights and the rule of law.

4. The Assembly recalls that the Council of Europe and the European Union share the same values and pursue common aims with regard to the protection of democracy, respect for human rights and fundamental freedoms and the rule of law.

5. The Assembly recalls that co-operation between the European Union and the Council of Europe is expressly mentioned in several provisions of the Treaty establishing the European Community (Article 149, paragraph 3, Article 151, paragraph 3 and Article 303).

6. The Assembly recalls in particular Article 303 of the EC Treaty, which stipulates that "the Community shall establish all appropriate forms of co-operation with the Council of Europe".

7. The Assembly recalls that the European Council in Dublin (December 1996) recognised the Council of Europe's crucial role in upholding human rights standards and supporting pluralist democracy.

8. The Assembly is convinced that co-operation between the Council of Europe and the European Union should be extended to all areas where it brings added value to both sides and strengthens complementarity of action.

9. The Parliamentary Assembly has always been at the forefront of reflection on new European political projects and on the role the Council of Europe should play in them. In January 1999, it adopted Resolution 1177 on building greater Europe without dividing lines, Resolution 1178 on the European political project and Recommendation 1394 on Europe: a continental design, as part of the follow-up to the 2nd Summit of Heads of State and Government, and the ensuing report of the Committee of Wise Persons on the role of the Council of Europe.

10. The European Union Convention is an opportunity to reinforce legally-binding mechanisms for the protection of human rights within the European Union. The objective of strengthening the safeguarding of these rights both within the European Union and in Europe as a whole can only be achieved through the

1. Assembly debate on 26 June 2002 (20th Sitting) (see Doc. 9483, report of the Political Affairs Committee, rapporteur: Mr Van der Linden). Text adopted by the Assembly on 26 June 2002 (21st Sitting).

accession of the European Union/European Community to the European Convention on Human Rights, which would create a single legal mechanism applying equally to all state and other authorities in Europe which deal with the rights protected by the European Convention on Human Rights.

11. The European Union and the Council of Europe represent two distinct, but mutually reinforcing approaches to the achievement of ever greater unity among European states. The Council of Europe, with its pan-European membership, its experience and achievements in the field of human rights, democratic institutions, the rule of law, protection of minorities and local and regional authorities, offers a privileged platform for dialogue and co-operation, both at parliamentary and intergovernmental levels, between all European states, whether or not they be members of the European Union.

12. The Council of Europe's acquis in standard-setting activities in the fields of democracy, the rule of law and fundamental human rights and freedoms should be considered as milestones towards this great European political project, and the European Court of Human Rights should be recognised as the pre-eminent judicial pillar of any future architecture.

13. Recently, the Council of Europe has shown that it is able to respond to the threat of terrorism at European and global level by sharing, promoting and protecting democratic values and cross-cultural understanding. The Council of Europe has the necessary composition and the tools to be an active player in this area and to implement adequate programmes. It is an excellent platform for inter-cultural and inter-religious dialogue.

14. The Council of Europe has great experience in co-operating with the OSCE at governmental and parliamentary levels, including field operations and the observation of elections. This asset should be used for redefining their co-operation in the new European institutional architecture.

15. All pan-European and sub-regional institutions should complement each other in their mutual aim to build a democratic, stable, peaceful and prosperous Europe and co-operate effectively.

16. The Assembly calls upon the European Union and on the applicant states:

a. to consider the Council of Europe as an active partner in the European Union's pre-accession strategy, through the broad spectrum of its legal arsenal with regard to democratic governance and the protection of human rights and minorities, and in particular by making full use of the Council of Europe's increasingly effective monitoring procedure as regards the obligations and commitments entered into by member states;

b. to profit from the experience gained by the members of the Parliamentary Assembly of the Council of Europe – as it is the only truly pan-European interparliamentary assembly where soon every European national parliament will be represented – in the work of the Conference of European Affairs Committees of the Parliaments of the European Union and Candidate Countries (Cosac).

17. The Assembly calls upon the European Union/European Community to 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. 18. The Assembly invites the European Union to strengthen its presence in the Council of Europe through the participation of the European Commission in the work of the Committee of Ministers, and the European Parliament in the work of the Parliamentary Assembly of the Council of Europe.

18. For this purpose the Assembly calls upon the European Convention to ensure that the European Union Charter of Fundamental Rights is designed to complement and enhance the effectiveness of the European Convention on Human Rights.

19. The Assembly considers that the Council of Europe's conventions, which member states are obliged or encouraged to ratify, provide a legal framework for the entire continent of Europe defining standards on human dignity and democracy, social cohesion, cultural identity, daily life and the media. They can be enhanced by additional protocols, and integrated into national law. The Assembly calls upon the European Convention to encourage this process rather than undermine it by the introduction of a separate legal framework for the European Union.

20. The Assembly calls upon the institutions of the European Union to examine possibilities for increased participation in the Council of Europe's work in all relevant areas and at all appropriate institutional levels, and to enhance financial co-operation with the Council of Europe.

21. The Assembly calls upon the Commission of the European Union to study carefully the steps that would lead to the development of a coherent European legal order either 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.

22. The Assembly calls upon the European Parliament to continue and improve co-operation with the Parliamentary Assembly of the Council of Europe, at different levels (political groups, bureaux, committees), based on the recognition of common values and interests, in an effective and pragmatic manner. The creation of a joint committee is essential, as is the active participation of the European Parliament in the work of the Parliamentary Assembly. Institutional co-operation can be improved through co-operation at the level of monitoring procedures, bearing in mind the positive results of the Parliamentary Assembly's Monitoring Committee, by organising joint seminars and fact-finding missions and by co-operating in the field of election observation. It should not be forgotten that the Parliamentary Assembly and the European Parliament stand for the same European values including a common rule of law which seeks to avoid double standards.

23. The Assembly calls upon the Secretary General of the Council of Europe to follow closely the work of the European Convention set up by the Laeken Summit, evaluate its potential impact on the work of the Council of Europe, present the most important accomplishments of the Council of Europe to the European Convention in the most appropriate way when necessary, and keep the Parliamentary Assembly regularly informed about the progress of work.

24. The Assembly calls upon the European Convention to be aware that membership of the Council of Europe allows those states remaining outside the European Union to participate in the the European project, thus avoiding the creation of new dividing lines and a sense of exclusion among the non-European Union member states of the Council of Europe.

25. The Assembly urges the European Convention to avoid the introduction of any duplication or parallel activities by the European Union which would undermine the work of the Congress of Local and Regional Authorities of Europe (CLRAE) as the only pan-European body for promoting local democracy structures and transfrontier co-operation.

26. The Assembly calls upon member states of the Council of Europe to fully take into account the Organisation's acquis in standard-setting in the fields of democracy, the rule of law and fundamental human rights and freedoms, as well as its political assets, when planning activities with other European institutions in order to avoid duplication of work and to achieve maximum efficiency in building the Europe of the future.