



Doc. 13655 – Compendium of written amendments

(Final version)

The implementation of the Memorandum of Understanding between the Council of Europe and the European Union

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A. Draft Resolution

1. The Parliamentary Assembly strongly supports the strengthening of the partnership between the Council of Europe and the European Union, in line with the Memorandum of Understanding concluded in 2007, which highlights the role of the Council of Europe as “the benchmark for human rights, the rule of law and democracy in Europe” and states that the European Union “regards the Council of Europe as the Europe-wide reference source for human rights”.
2. Referring to its Resolution 1836 (2011) and Recommendation 1982 (2011) on the impact of the Lisbon Treaty on the Council of Europe, the Assembly finds it positive that human rights, democracy and the rule of law have been placed at the forefront of European Union policies; this has opened up new opportunities for co-operation between the two organisations based on each other’s *acquis* and comparative advantages.
3. Since the signature of the Memorandum of Understanding in 2007 and the entry into force of the Lisbon Treaty in 2009, the Assembly notes in particular, with satisfaction, that:
 - 3.1. co-operation has become more structured, strategic and political;
 - 3.2. contacts between the two organisations, both at the political level, including high-level political dialogue, and technical and working level, have been steadily increasing both quantitatively and qualitatively;
 - 3.3. the European Union has increased its role in the traditional areas of activity of the Council of Europe, such as justice, freedom, security and the rule of law, and in the period 2010-2014, made extensive use of Council of Europe expertise in the implementation of the “Stockholm Programme – An open and secure Europe serving and protecting citizens”;
 - 3.4. the European Union has regularly requested input from the Council of Europe, notably in the context of the European Union Enlargement and Neighbourhood policies;
 - 3.5. consultations take place at an early stage in the process of elaborating European Union legislation, including through written contributions and exchanges of views, and representatives of the European Union are regularly invited to Council of Europe standard-setting activities;
 - 3.6. an increasing number of European Union documents refer explicitly to the standards and instruments of the Council of Europe;
 - 3.7. mutual representation in Brussels and in Strasbourg has facilitated co-ordination, intensified relations and enhanced impact.
4. The Assembly welcomes the comprehensive programme agreement on the financing of European Union–Council of Europe Joint Programmes for the period 2014-2020, which has strengthened the co-ordination, impact and

sustainability of the co-operation programmes, putting in place a new framework for co-operation in the European Union Enlargement region, in countries covered by the European Union's Eastern Partnership programme and also in countries in the Southern Mediterranean region, in a spirit of shared responsibilities.

5. While welcoming these positive steps, the Assembly points out that the Memorandum of Understanding is a contract with an obligation of results on both sides, and refers to Resolution 2027 (2013) on the European Union and Council of Europe human rights agendas: synergies not duplication, which, while welcoming higher levels of human rights protection, warned against the setting up of parallel mechanisms which could lead to double standards, "forum shopping" and the lowering of Council of Europe standards.
6. The Assembly is convinced that only the accession of the European Union to the European Convention on Human Rights (ETS No. 5, "the Convention") can ensure in-depth legal co-operation, enhance coherence of legal standards and provide a unique framework for human rights, democracy and the rule of law in Europe. The Assembly welcomes the agreement reached at the negotiators' level in April 2013 on the draft Accession Agreement, and urges the parliaments and governments of the member States of the Council of Europe, as well as all European Union institutions, to:

- 6.1. act speedily and constructively to conclude the negotiations and complete the ratification process, once the Court of Justice of the European Union delivers its opinion on the compatibility of the draft Accession Agreement with European Union law;
- 6.2. raise awareness among people about the enhanced protection of their rights following European Union accession to the Convention and of relevant procedures.

Amendment 3

Tabled by Mr Michael MCNAMARA, Mr Jordi XUCLÀ, Ms Meritxell MATEU, Ms Carina OHLSSON, Mr Jonas GUNNARSSON

In the draft resolution, replace paragraph 6 with the following paragraph:

"The Assembly is convinced that only the accession of the European Union to the European Convention on Human Rights (ETS No. 5, "the Convention") can ensure in-depth legal co-operation, enhance coherence of legal standards and provide a unique framework for human rights, democracy and the rule of law in Europe. The Assembly welcomes the agreement reached at the negotiators' level in April 2013 on the draft Accession Agreement and considers that the obstacles identified by the Court of Justice of the European Union in its Opinion 2/13 must be overcome as soon as possible, in line with political commitments made by all sides, as reflected in the Lisbon Treaty. It therefore invites those member States of the Council of Europe which are also members of the European Union to exercise their influence in such a way as to resume, without delay, the negotiations on EU accession to the Convention and to give high political priority to this process."

7. The Assembly welcomes stronger European Union action in the field of justice and home affairs, and the rule of law, if that means that democracy, the rule of law and respect for human rights are better upheld in the 28 member States of the European Union. With a view to pursuing further the building of a common space for human rights protection, ensuring complementarity and coherence of standards and of the monitoring of their implementation, the Assembly invites the European Union to:
- 7.1. take into account the Council of Europe's role as the benchmark for human rights, the rule of law and democracy in Europe while preparing new initiatives in this field;
- 7.2. examine with the Council of Europe the possibility for the European Union to accede to key Council of Europe conventions tackling major challenges of today's European society, including the European Social Charter (revised) (ETS No. 163);
- 7.3. pursue full accession to the Group of States against Corruption (GRECO) as soon as possible, and respect the principle of equal treatment among members of GRECO, which involves the evaluation of European Union institutions by GRECO's mechanisms, taking into account its specificity as a non-State entity;
- 7.4. carry on discussions concerning the terms of participation of the European Union in Council of Europe non-convention-based monitoring mechanisms and bodies such as the European Commission against Racism and Intolerance (ECRI), the European Commission for the Efficiency of Justice (CEPEJ) or the European Commission for Democracy through Law (Venice Commission);
- 7.5. make full use of reports by Council of Europe monitoring bodies and mechanisms, such as those of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and of the Group of Action against Trafficking in Human Beings (GRETA), and co-operate with the Council of Europe in the relevant fields;

Amendment 4

Tabled by Mr Michael MCNAMARA, Mr Jordi XUCLÀ, Ms Meritxell MATEU, Ms Carina OHLSSON, Mr Jonas GUNNARSSON

In the draft resolution, paragraph 7, after the word "implementation", insert the following words: "while avoiding duplication of work,"

Amendment 5

Tabled by Mr Michael MCNAMARA, Mr Jordi XUCLÀ, Ms Meritxell MATEU, Ms Carina OHLSSON, Mr Jonas GUNNARSSON

In the draft resolution, before paragraph 7.1, insert the following paragraph:

"resume, without delay, negotiations on the accession of the European Union to the Convention in light of Opinion 2/13 of the European Union Court of Justice and give high political priority to this issue;"

Amendment 1

Tabled by Mr Zsolt NÉMETH, Mr Zsolt CSENGER-ZALÁN, Ms Elvira KOVÁCS, Mr Attila KORODI, Mr Hans FRANKEN

In the draft resolution, at the end of paragraph 7.2 insert the following words: " and the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages."

Amendment 2

Tabled by Mr Zsolt NÉMETH, Mr Zsolt CSENGER-ZALÁN, Ms Elvira KOVÁCS, Mr Attila KORODI, Mr Hans FRANKEN

In the draft resolution, paragraph 7.5, after the word "(GRETA)", insert the following words: "and of the monitoring mechanisms of the Framework Convention for the Protection of National

Minorities and the European Charter for Regional or Minority Languages."

- 7.6. strengthen the channels of regular and structured consultation, at least once per European Union Presidency, especially on normative developments in the fields of human rights, justice, the rule of law and home affairs, and consistently consult the Council of Europe on relevant European Union draft legislation;
- 7.7. follow up on existing Council of Europe monitoring procedures and recommendations issued to member States by the Council of Europe, enforce their implementation in European Union member States and facilitate the implementation of the decisions of the European Court of Human Rights;
- 7.8. ensure that human rights standards upheld by the European Union do not fall short of those upheld by the Council of Europe in order to avoid double and lower standards and subsequent "forum shopping";
- 7.9. implement the new European Union "Framework to strengthen the rule of law" in a way which builds on and complements the instruments and expertise of the Council of Europe;
- 7.10. intensify co-operation with the Council of Europe in the context of the new European Union "Strategic Guidelines for Legislative and Operational Planning within the European Union's Area of Freedom, Security and Justice" for the period 2015-2020;
- 7.11. co-ordinate the European Union annual colloquium on the state of human rights in Europe with the work of the Council of Europe;
- 7.12. continue promoting accession to key Council of Europe conventions and monitoring mechanisms and bodies among European Union member States and in the context of the European Union Enlargement and Neighbourhood policies, as appropriate;
- 7.13. ensure complementarity in the context of the European Union "Strategic Framework and Action Plan on Human Rights and Democracy" focusing on European Union external actions.

Amendment 7

Tabled by Ms Olena SOTNYK, Mr Serhiy LABAZIUK, Mr Volodymyr ARIEV, Mr Pavlo UNGURYAN, Mr Serhii KIRAL

In the draft resolution, after paragraph 7.13, insert the following paragraph:

"further continue cooperation between the Council of Europe and the EU in enhancing security and stability in Europe, and therefore finding political and diplomatic solutions to the ongoing escalation of violence and insecurity in the east of Ukraine, and human rights violations in Russia's annexed Crimea;"

Amendment 8

Tabled by Ms Olena SOTNYK, Mr Serhiy LABAZIUK, Mr Volodymyr ARIEV, Mr Pavlo UNGURYAN, Mr Serhii KIRAL

In the draft resolution, after paragraph 7.13, insert the following paragraph:

"support policies of not recognizing the illegal annexation of Crimea by the Russian Federation and call for the comprehensive respect for and adherence to the Minsk arrangements and President Poroshenko's Peace Plan, and support formats such as Normandy and Geneva as platforms for tangible peaceful solutions;"

Amendment 9

Tabled by Ms Olena SOTNYK, Mr Serhiy LABAZIUK, Mr Volodymyr ARIEV, Mr Pavlo UNGURYAN, Mr Serhii KIRAL

In the draft resolution, after paragraph 7.13, insert the following paragraph:

"ensure all interested sides implementing comprehensive political and socio-economic reforms have due respect to the rule of law, democracy and welfare state principles;"

Amendment 10

Tabled by Ms Olena SOTNYK, Mr Serhiy LABAZIUK, Mr Volodymyr ARIEV, Mr Pavlo UNGURYAN, Mr Serhii KIRAL

In the draft resolution, after paragraph 7.13, insert the following paragraph:

"continue the roadmap of reforms outlined in joint programs (JPs), facilitate expertise and share opinions of the Venice Commission, EU institutions and single States in ensuring progress of Ukraine's reforms and approximation to EU standards."

8. The Assembly calls on parliaments of the European Union member States to continue promoting the visibility of the reinforced partnership between the two organisations, including those between the Assembly and the European Parliament.
9. For its part, the Assembly welcomes the recently intensified contacts between its President and the leadership of both the European Parliament and the European Commission and invites its President and/or its Presidential Committee to:
 - 9.1. further reinforce the practice of regular meetings and informal exchanges with the European Union leadership on current political challenges;
 - 9.2. explore ways of expanding co-ordination and co-operation between the two parliamentary bodies of the European Union and the Council of Europe and their political groups.

- 9.3. consider updating the Agreement on the strengthening of co-operation between the Parliamentary Assembly of the Council of Europe and the European Parliament of 28 November 2007, with a view to taking into account the most recent developments since the entry into force of the Lisbon Treaty.
10. In conclusion, the Assembly believes that, while the Memorandum of Understanding remains a sound basis to continue guiding and structuring relations between the Council of Europe and the European Union, only genuine, continuous and substantial co-operation between the two organisations can help create a truly secure and just European Union where human rights and the rule of law are fully protected and promoted. This should ultimately lead to the accession of the European Union to the Statute of the Council of Europe (ETS No.1) in line with the recommendation included in the 2006 Juncker report "Council of Europe – European Union: 'A sole ambition for the European continent'".

B. Draft Recommendation

1. The Parliamentary Assembly, referring to its Resolution ... (2015) on the implementation of the Memorandum of Understanding between the Council of Europe and the European Union, notes with satisfaction that co-operation has been strengthened and has become more structured, strategic and political over the past seven years.
2. The Assembly strongly welcomes the comprehensive programme agreement on the financing of European Union–Council of Europe Joint Programmes for the period 2014-2020, which has strengthened the co-ordination, impact and sustainability and of the co-operation programmes, in a spirit of shared responsibilities.
3. The Assembly stresses that the ultimate goal of the partnership between the two organisations, based on each other's *acquis* and comparative advantages, is to pursue further the building of a common space for human rights protection and to ensure coherence of standards and the monitoring of their implementation in Europe. While welcoming the steps already taken in the right direction, the Assembly recommends that the Committee of Ministers:
 - 3.1. enhance the role of the Council of Europe as "the Europe-wide reference source for human rights" by further strengthening its monitoring bodies in the context of the ongoing reform of the Council of Europe;
 - 3.2. strengthen regular, institutionalised dialogue with European Union institutions, at all levels, especially on normative developments in the fields of human rights, justice, the rule of law and home affairs, and promote coherence of normative activities through consultations at an early stage.
4. With a view to ensuring in-depth legal co-operation, enhancing complementarity and coherence of legal standards and providing a unique framework for human rights, democracy and the rule of law in Europe, the Assembly asks the Committee of Ministers to:
 - 4.1. act speedily and constructively to conclude the negotiations on the accession of the European Union to the European Convention on Human Rights (ETS No. 5), once the Court of Justice of the European Union delivers its opinion on the compatibility of the draft Accession Agreement with European Union law;
 - 4.2. promote and facilitate European Union accession to other key Council of Europe conventions, monitoring mechanisms and bodies;

Amendment 6

Tabled by Mr Michael MCNAMARA, Mr Jordi XUCLÀ, Ms Meritxell MATEU, Ms Carina OHLSSON, Mr Jonas GUNNARSSON

In the draft recommendation, replace paragraph 4.1 with the following paragraph:

"resume, without delay, negotiations on the accession of the European Union to the Convention in the light of Opinion 2/13 of the European Union Court of Justice and give high political priority to this issue, in line with political commitments undertaken by all parties involved, as reflected in the Lisbon Treaty;"

- 4.3. further enhance coherence and complementarity with the European Union in the areas of freedom, security and justice, in line with the new European Union “Strategic Guidelines for Legislative and Operational Planning within the European Union’s Area of Freedom, Security and Justice” for the period 2015-2020;
- 4.4. ensure active co-operation with the European Union in the implementation of the new “Framework to strengthen the rule of law” in European Union member States;
- 4.5. continue developing appropriate synergies between Council of Europe monitoring mechanisms and bodies and any new evaluation mechanisms to be set up by the European Union;
- 4.6. actively contribute to future European Union colloquia on the state of human rights in Europe and bring in the perspective and expertise of the Council of Europe.
5. The Assembly asks the Committee of Ministers to raise public awareness about the partnership and synergies being developed by the two organisations in Europe, especially in the context of European Union accession to the European Convention on Human Rights.
6. The Assembly, while agreeing with the Committee of Ministers that the Memorandum of Understanding remains a sound basis to continue guiding and structuring relations between the Council of Europe and the European Union, wishes to reiterate that the current focus of the European Union on human rights, democracy and the rule of law should ultimately lead to the accession of the European Union to the Statute of the Council of Europe (ETS No. 1), as also recommended in 2006 by the Juncker report, “Council of Europe – European Union: ‘A sole ambition for the European continent’”.