



Doc. 13714 – Compendium of written amendments
06/03/2015

(Final version)

European institutions and human rights in Europe

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A. Draft Resolution

1. The Parliamentary Assembly recalls its previous resolutions and recommendations concerning co-operation between the European Union and the Council of Europe, in particular Resolution 2029 (2015) on the implementation of the Memorandum of Understanding between the Council of Europe and the European Union, Recommendation 2027 (2013) on European Union and Council of Europe human rights agendas: synergies not duplication, Resolution 1836 (2011) and Recommendation 1982 (2011) on the impact of the Lisbon Treaty on the Council of Europe and Resolution 1756 (2010) and Recommendation 1935 (2010) on the need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights.
2. The Assembly reaffirms that the European Convention on Human Rights (ETS No. 5) is the cornerstone of the human rights protection system in Europe and that any duplication of work in this area should be avoided.
3. The Assembly 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 the political commitments made by all sides, as also reflected in the Lisbon Treaty.
4. The Assembly notes that, since the entry into force of the Lisbon Treaty, the European Union has expanded its activities in areas traditionally covered by the Council of Europe, especially in the field of justice and home affairs, and it has taken various initiatives and action to promote and ensure respect for democracy, human rights and the rule of law, both inside and outside the European Union. This creates risks of overlap and unnecessary duplication of work, and even double standards, but also opportunities for co-operation and synergies.
5. The Assembly welcomes the synergies which have been developed recently between European Union and Council of Europe bodies, such as between the European Commission and the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) on the European Union Scoreboard for Justice. It also welcomes the good co-operation with the European Union Fundamental Rights Agency.
6. The Assembly welcomes the increased commitment of the European Union to the core values common to both organisations – democracy, human rights and rule of law – and its efforts to strengthen its capacity to protect these values in European Union member States, as summed up in the European Commission Communication on "A new EU Framework to strengthen the Rule of Law" of March 2014. It welcomes the European Union's willingness to make use of the Council of Europe's expertise in implementing this framework.
7. In view of the above, the Assembly invites the European Union to:

- 7.1. resume, without delay, negotiations on the accession of the European Union to the European Convention on Human Rights in light of Opinion 2/13 of the Court of Justice of the European Union and give high political priority to this issue;
- 7.2. continue to explore, in a regular and structured way, possible synergies with the Council of Europe and to make use of the expertise of the latter's institutions and bodies, including the European Commission for Democracy through Law (the Venice Commission), the Commissioner for Human Rights, the Parliamentary Assembly and relevant monitoring mechanisms;
- 7.3. in following up the European Commission's proposal on "A new EU Framework to strengthen Rule of Law", inform the Council of Europe's relevant bodies of any subsequent developments and/or of other similar initiatives in this area and make use of its expertise, in particular as regards defining criteria for the existence of "systematic threats" to the rule of law;
- 7.4. continue to scrutinise its draft legislation with respect to its compatibility with the Charter of Fundamental Rights of the European Union and ensure that all European Union institutions involved in the legislative process are implicated in this scrutiny;
- 7.5. continue to protect and promote human rights in its external policies and, when so doing, make use of the expertise of the relevant Council of Europe bodies.
8. The Assembly also invites those member States of the Council of Europe which are also member States of the European Union to:
 - 8.1. exercise their influence to re-open as rapidly as possible the negotiations on European Union accession to the European Convention on Human Rights and to give high political priority to this process;
 - 8.2. exercise their influence in such a way as to avoid any unnecessary duplication of work in the field of democracy, human rights and the rule of law.
9. The Assembly is also concerned about the lack of transparency of the decisions and actions of the European Commission and the European Central Bank taken in the context of dealing with the consequences of the economic and financial crisis and imposing austerity measures on certain member States belonging to the eurozone benefiting from the European Union's financial aid. Referring to its Resolution 1884 (2012) "Austerity measures – a danger for democracy and social rights" and Resolution 2032 (2015) on equality and the crisis, the Assembly reiterates its concerns about the impact of such measures on social and economic rights and the principle of equality.
10. The Assembly therefore calls on the European Union and its member States to:
 - 10.1. assess the social impact of the austerity measures imposed on member States belonging to the eurozone receiving financial assistance from European Union

Amendment 1

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In the draft resolution, paragraph 9, after the words "financial aid", add the following sentence: "It is also concerned about the lack of democratic accountability of the recently established European Stability Mechanism."

- institutions (European Commission and European Central Bank) and/or the European Stability Mechanism;
- 10.2. ensure transparency and democratic and judicial control of decisions related to the conclusion of agreements on such financial assistance.
 11. The Assembly also calls on member States to sign and/or ratify the revised European Social Charter (revised) (ETS No. 163), the Additional Protocol Providing for a System of Collective Complaints (ETS No. 158) and the Amending Protocol of 1991 to allow for the election of the 15 members of the European Committee of Social Rights by the Parliamentary Assembly (ETS No. 142, "Turin Protocol"), if this has not yet been done, and implement the decisions of the European Committee of Social Rights, where applicable.

B. Draft Recommendation

1. Referring to its Resolution ... (2015) on European institutions and human rights in Europe, the Parliamentary Assembly calls on the Committee of Ministers to:
 - 1.1. take all necessary action to ensure that negotiations on European Union accession to the European Convention on Human Rights (ETS No. 5) are resumed as quickly as possible, and to report back to the Assembly on the state of play of this process;
 - 1.2. streamline and structure co-operation and dialogue with European Union institutions and agencies, at all levels, so that such co-operation and dialogue be conducted on a regular basis by relevant bodies of the Council of Europe;
 - 1.3. examine the possible impact of the European Commission's proposal on "A new EU Framework to strengthen Rule of Law" on European Union co-operation with the Council of Europe and follow any developments concerning the implementation of this proposal and/or any other similar initiatives taken by European Union institutions in this area.
2. Moreover, referring to its Resolution 1884 (2012) on Austerity measures – a danger for democracy and social rights and Resolution 2032 (2015) on equality and the crisis, the Assembly reiterates its concerns about the impact on social and economic rights of the austerity measures taken following the conclusion of financial assistance agreements by certain States belonging to the eurozone with the European Commission and/or the European Central Bank. It therefore calls on the Committee of Ministers to undertake, in co-operation with the Council of Europe's Commissioner for Human Rights, an expert study to prepare a catalogue of "criteria for the imposition of austerity measures", in compliance with requirements of the European Social Charter (revised) (ETS No. 163), as determined by the European Committee of Social Rights.