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WORKSHOP REPORT

***“The Relation between the European
Union and the Council of Europe
—
Towards new complementarity and co-
operation”***

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The Third Summit of Heads of State and Government of the Council of Europe, which took place in Warsaw on 16 - 17 May 2005, concluded its work by adopting a political declaration and an Action Plan outlining the principal tasks of the Council of Europe in the coming years. This Action Plan called for a new framework of enhanced co-operation and political dialogue with the European Union in areas of common interest.

The Heads of State and Government of the Member States of the Council of Europe entrusted their colleague, Jean-Claude Juncker, to prepare a report on the relationship between the Council of Europe and the European Union on the basis of this decision, taking into account the importance of the human dimension of European construction.

The European Office of Konrad-Adenauer-Stiftung in co-operation with the German Federal Foreign Office therefore organised a workshop to contribute ideas to an effective improvement of the relations and to make suggestions for the upcoming report by Mr Jean-Claude Juncker.

The workshop "The Relation between the European Union and the Council of Europe – Towards new complementarity and co-operation" was held February 7th 2006 in the European Office of the Konrad-Adenauer-Stiftung in Brussels.

Johann-Adolf COHAUSZ, Minister Counsellor, German Federal Foreign Office, in his structuring overview raised the issue of the changed role of the CoE after the fall of the Berlin wall and the changed institutional architecture in Europe. He stated that the EU and the CoE did share the same values, all EU member states being also members of the CoE. He emphasised that at present time people did not really understand what the EU was going to be. The EU had to struggle with the unknown future of the European Constitution and social tensions in some countries - not only in France. People wanted to know how they should handle the enlargement of Europe and what the actual role of the CoE was. The Warsaw summit gave the CoE a clear place in the European architecture identifying its tasks in the areas of human rights, democracy and rule of law.

Today 46 states are represented in the CoE – including all European countries except Belarus. In a certain sense, Cohausz stated, the CoE displayed an outer ring of states, wanting to join the EU. As a result, the Summit of Warsaw asked for new structures for the cooperation with the CoE, a new framework for a better interaction and a better exchange between both organisations. A second focal point, Cohausz continued, was the Promotion of civil society.

Cohausz also emphasized the “hidden agenda” of the CoE – the topic of Russia. The acceptance of the accession of Russia in 1996 was right. The motivation for Russia to join the CoE was to find a European forum without the participation of the USA. But despite of the ongoing monitoring, the aim of fetching this country back to the way of democracy was far from being accomplished. Mr. Cohausz in this context dwelled on the recent monitoring report of the Parliamentary Assembly by the members Rudolf Bindig and David Atkinson. As Russia was going to hold the next chairmanship of the CoE, Cohausz stated that diplomatic skills were needed and the opportunities must not be missed. The Warsaw Summit aimed to improve the work between the EU, the CoE, the OSCE and the UN. Through this institutional cooperation Russia was going to get closer to the democratic way.

Summing up Cohausz said that the Juncker-report as a political document could make a contribution to defining the role of the CoE as a mediator between the EU and European states that wanted to join the EU .

In his input statement **Victor WEITZEL, Assistant to the Prime Minister Juncker for his report on the relations between the Council of Europe and the European Union**, apologized for not going into details about the first draft of Mr Juncker’s report but emphasized that the major element in the report would be the CoE’s standard setting potential.

The function of the CoE had changed since 1989. Before that date it had been instrumentalized as a pre-chamber to accession to the EU. Now the CoE was a paneuropean legal space which took care of three major issues: human rights, democracy and rule of law.

Nowadays the CoE had to continue to be the reference institution for human rights and continue the very important country monitoring. The dimension of democracy had to be improved combining the old and new democracies. In this context he stressed that there should not be any duplication by the EU Human Rights Agency.

With regards to rule of law Weitzel emphasised the need for legal co-operation concerning the normative as well as the practical field (joint programmes). The dimension of networks was not yet enough exploited. Here of course an existing problem was the non-ratification of the Constitutional Treaty.

The intercultural dialogue within Europe supplemented by education in culture also had to be strengthened. The report also in this field would aim at streamlining the CoE to its core competences.

Continuing Weitzel acknowledged that some countries caused difficulties. For him it was important to create a minimum standard for the members of the CoE so that the citizens benefited from more democratic security. In his closing remarks he then once again stressed the need for a clearer division of labour between the CoE and the EU.

Gilbert DUBOIS, European Commission - Head of Unit OSCE and Council of Europe, in his statement referred to the long tradition of co-operation between the CoE and the European Commission. These daily contacts were working well although they didn't cause any headlines. A permanent representative of the Commission in Strasbourg now ensured the daily link between both institutions.

The main task of the CoE for Dubois was to refocus on its core values. Therefore he stated the EU would "use the CoE as long as it brings added value". As long as co-operation was possible the EU would seek it. Duplication between both institutions was to be avoided. He stressed in this context the good cooperation with the Venice commission and hoped that the report by Jean-Claude Juncker was going to show new domains. Here he also mentioned the Human Rights Agency, as the successor of the European Monitoring Centre on Racism and Xenophobia.

The Memorandum of Understanding (MoU) which would come out after the Juncker report would include ideas of the report, as well as of the Parliamentary Assembly of the CoE (PACE) and the European Parliament (EP). An agreement about the MoU would be reached probably in May.

The CoE remained a forum of discussion not only with Russia but also with the Caucasus countries, Moldova and Ukraine etc. He valued the CoE as extremely useful also in intercultural and interreligious dialogue. The "Forum for the Future of Democracy" could also play an important role in helping to promote the EU's Plan D. Coming to a conclusion Dubois said that the Commission was hoping for the Jucker report to being a longterm action plan reagrding the relation between the CoE and the EU.

Jan KLEIJSSSEN, Director, Interparliamentary and Institutional Relations, Special Adviser to the President, Secretariat of the Parliamentary Assembly of the Council of Europe, started by reminding the participants of the EU's roots in the CoE. Europe, he continued stressing the pan-european dimension, was not limited to 25 countries. Some of the 46 countries in the CoE were not going to join the EU either because they were not able to or they didn't want to. The PACE perceived the very much anticipated report by Jean-Claude Juncker as political document – not a technical one.

Kleijssen agreeing with Mr Dubois in all positive remarks continued by pointing the existing disagreements:

Firstly he focussed on the MoU criticising that the PACE had not been involved in its drafting. On the contrary the PACE even had had to ask for the document. The PACE, Kleijssen stressed, wanted to be heard. Therefore the MoU coming out after the report should officially be send to the PACE with the PACE voting on it, therewith following an appropriate parliamentary procedure. Furthermore he pointed out that one could not rely on a MoU alone, as it was not binding. Mere declarations of intent were not enough. Kleijssen therefore demanded a formally legally binding agreement.

He then focussed on the planned establishment of a EU Fundamental Rights Agency in Vienna reminding that at the moment at least one EU member state – the Netherlands – was rejecting its mandate. Kleijssen was not against the agency itself but underlined that it should be standard setting. This would result in duplication and double standards. The Agency should stick to the EU member states and the CoE should be on board in its establishment. If this agency was going to pass the borderline of the EU it was running the risk of interfering with the work of the CoE.

Kleijssen summed up his remarks by saying that the links between Strasbourg and Brussels could be improved and outline his view of the relation by staying: “If it's done well in Strasbourg why do it in Brussels.”

In the subsequent **discussion** word was first of all given to the European Parliament. **László SURJÁN, MEP**, agreed with Mr Kleijssen in saying that cooperation between the CoE and the EU was to be improved. The capacities were not fully used. As an example he cited the common session of the EP and the PACE 2003 in Strasbourg

where the EP members had not come mainly because of mere lack of information about the session.

But Surján, as well as his colleague **Vytautas LANDSBERGIS** also raised the topic of Russia as being one of the reasons for the relations between the CoE and the EU. They criticised a duplicity of levels concerning Human Rights pointing to the fact that Russia – itself still being under monitoring – was chairing the CoE. Landsbergis stressed that Russia had different values and referred especially to the human right violations in Chechnya.

The issue of Russia was vividly being discussed by the participants. **Ambassador Jacobus VAN DER VELDEN, Permanent Representative of the Netherlands to the Council of Europe**, thought that with only ten years of experience it was quite difficult to predict the impact of Russia but said he was confident because there were first good signals coming from Moskau. Russia seemed to be looking forward to the presidency. Therefore he saw the Russian presidency as a challenge but also as an opportunity. Van der Velden also reminded the participants of the excellent work of the European Court of Human Rights whose decisions were not influenced by the CoE at all.

Mr Cohausz also urged to remember that Russia was not the only country that had problems concerning the issue of human rights and that one should not forget those other countries.

Mr. Kleijssen admitted that with the accession of Russia to the CoE, the 25 EU-states backed down when it comes to the sensitive item Russia.

Mr. Dubois said as towards Russia it was important to be firm on values. Surprisingly, Russia had accepted the dialogue. With the participating, Russia accepted the democratic process.

Another important issue in the discussion was the question of cooperation between the two organisations.

In this context **Verena TAYLOR, Director of the Liaison Office of the Council of Europe in Brussels**, acknowledged the existing cooperation criticising it at the same time as unequal and not balanced. Cooperation was taking place only when the EU felt the need for it. She therefore spoke of an instrumentalisation although admitting it to be a strong word in this context. Taylor said two Quadripartite Meetings a year

were not enough. More formal cooperation and crossroads were needed. There was a great lack of mutual information. Secondly she pointed out that there was confusion among citizens. People could not distinguish between CoE and the EU institutions. Both organisations had to work together publicly and visibly to fight for bigger distinctiveness. In this way, Taylor stressed, a helpful contribution to Plan D was possible.

With regards to the topic of communication Mr **Cohausz** pointed to the sometimes lacking communication within the governments of the Member states themselves criticising the lack of information between the often big departments responsible for the EU and the smaller departments responsible for the CoE.

Facing the accusation of unequal cooperation Mr **Dubois** said this was also simply due to the unequal size of both administrations and budgets. But for him the cooperation between the CoE and the EU was a fair one. He admitted though that the communication in some human rights projects needed to be improved.

Mr **Kleijssen** resented the allusion to the difference in the budget and stressed the distinction between the institutional and the political dimension. He was hopeful that the report by Jean-Claude Juncker could deliver guidance in this respect. Baring in mind the gap between the EU and the perception of its population, the report should go back to the basic European cooperation bringing Europe closer to the citizens.

Other participants also stressed the important role of the CoE regarding religious dialogue and the need for it to be improved as well as the need for better cooperation especially between the PACE and the EP.

In his last remarks Mr **Weitzel** promised that the report by Jean-Claude Juncker was going to be written in a clear language that citizens could understand.

He again stressed the difference in mandate of the two organisations – the Council of Europe with its paneuropean dimension being the forum for human rights. The mechanisms proposed in the report would not, Weitzel said, require a treaty change but make use of a leverage effect. The report would provide a clearer definition of the mandates and a better division of labour between the two organisations making it also easier for citizens to see the distinction between the Council of Europe and the European Union.

In the closing remarks Mr **Cohausz** again underlined the importance of the excellent monitoring reports by the CoE explicitly mentioning the report on Russia by the rapporteurs Atkinson and Binding.

Dr. Peter WEILEMANN, Director of the Konrad-Adenauer-Stiftung European Office, regretted in his closing remarks that there had been no time to discuss the important issue of financing and concluded the workshop by stressing the need for a further development of the relations between the Council of Europe and the European Union.