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| **132nd Session of the Committee of Ministers****(Turin, 20 May 2022)****Summary Report on co-operation between the Council of Europe and** **the European Union**  |

1. **Introduction**

The Council of Europe (CoE) and the European Union (EU) are two institutional incarnations of the ideal of peace in Europe and share the aim of enhancing the coherence and efficiency of the European human rights’ protection system.

The Summary Report on co-operation between the CoE and the EU submitted to the Hamburg Ministerial Session on 21 May 2021 highlighted an “unprecedented increase in the co-operation, both in qualitative and quantitative terms.”[[1]](#footnote-1) Against this background, on 21 May 2021, the Committee of Ministers, “welcomed the fact that co-operation with the EU, main institutional partner of the CoE in political, legal and financial terms, continues to be strengthened in order to face the growing challenges in the field of human rights, democracy and the rule of law in Europe, including with regard to the Covid-19 crisis […].”[[2]](#footnote-2) In addition, in the context of its decisions adopted on 21 May 2021 on “The strategic Framework of the CoE and forthcoming activities”, the Committee of Ministers, *inter alia*, considered that “practical co-operation between the CoE and, in particular, the EU, the OSCE and the United Nations, as well as other international organisations, needs to be further enhanced.”[[3]](#footnote-3)

During the present reporting period (May 2021 - May 2022), the co-operation has further developed through the three pillars of the partnership, namely political dialogue, legal co-operation and programmatic co‑operation. Co-operation has increasingly focused on democratic security and the resilience of the human rights’ protection system in Europe. The Covid-19 pandemic has remained a challenge to the usual co-operation modalities and a subject for consultations with the EU. “EU Priorities for co-operation with the CoE in 2020-2022”, which illustrates the EU’s commitment to the CoE convention system, has provided a solid basis for the enhancement of co-operation.

The CoE Liaison Office in Brussels and the EU Delegation in Strasbourg continued to play a key role in reinforcing the dynamics of co-operation and its visibility.[[4]](#footnote-4)

On 25 February 2022, the Committee of Ministers agreed to suspend the Russian Federation from its rights of representation in the Council of Europe in accordance with Article 8 of the Statute of the CoE. High Representative/Vice President (HR/VP) Borrell Fontelles “welcomed” this decision. On 16 March 2022, the Committee of Ministers decided that the Russian Federation ceased to be member State of the Council of Europe as from that date.

1. **Political dialogue**

Political dialogue has involved all relevant EU and CoE institutions. This dialogue was particularly intense at the highest level, with a high number of bilateral meetings between the CoE Secretary General/Deputy Secretary General, Special Representatives of the Secretary General (SRSGs) and EU leaders, highlighting the wide spectrum of thematic co-operation.[[5]](#footnote-5) The Parliamentary Assembly (PACE),[[6]](#footnote-6) the Congress of Local and Regional Authorities (the Congress),[[7]](#footnote-7) the Commissioner for Human Rights and other CoE bodies also continued their high‑level political dialogue with EU representatives. PACE is also examining the co-operation with the EU in the context of the preparation of its report “Beyond the Lisbon treaty: strengthening the strategic partnership between the CoE and the EU.”[[8]](#footnote-8)

On 21 May 2021, at the CoE Ministerial Session, HR/VP Borrell Fontelles, on behalf of the EU, stressed that “co-operation between the EU and the CoE is more essential than ever”. On 22 June 2021, during the PACE session, the CoE Secretary General conveyed a similar message calling, in particular, for closer co-operation in new priority fields, such as artificial intelligence and protection of the environment.

Regular high-level consultations addressed mainly the situation in CoE member states, including more recently, the situation in Ukraine, the functioning of the European human rights’ protection system, notably rule of law-related issues and the EU accession process to the European Convention on Human Rights (ECHR), as well as other common challenges (see below). CoE and EU leaders discussed, *inter alia*, structural reform processes in the EU member States, co-operation in the framework of the EU enlargement process,[[9]](#footnote-9) the EU Eastern Partnership and the CoE Policy towards neighbouring regions. This co-operation is concretely operationalised through joint EU-CoE co-operation activities, as mentioned below. In addition, during their meeting on 8 June 2021, the CoE Secretary General and EC Vice-President Šuica exchanged views on the EU “Conference on the future of Europe”. The CoE Secretary General then contributed to the inaugural session of the Conference on 19 June 2021. Co-operation to jointly address globalissues has also continued. On 10 October 2021, the CoE and EU leaders reiterated their firm opposition to capital punishment at all times and under all circumstances through a joint statement.

In addition, consultations have also multiplied at a more technical level, both on thematic and country-specific issues.

1. **Legal co-operation**

As provided for in the 2007 Memorandum of Understanding, “the EU regards the CoE as the Europe-wide reference source for human rights” and “the CoE will remain the benchmark for human rights, the rule of law and democracy in Europe”.

Legal co-operation has covered an ever-larger spectrum of CoE activities, with a focus on rule of law-related issues. This co-operation has also illustrated a common commitment to the UN Sustainable Development Goals (SDGs) as guiding lines for both organisations and a joint contribution to their achievement.

* **Rule of law-related issues in Europe**

To recall, on 11 December 2019, the Committee of Ministers[[10]](#footnote-10) confirmed “in general, the importance of ensuring coherence and complementarity between the pan-European CoE and the EU as provided for in the 2007 Memorandum of Understanding” and in particular “the need to ensure coherence of the human rights’ protection system in Europe in the context of EU rule of law initiatives”.

In practice, the CoE has continued to provide a valuable input into rule of law-related matters[[11]](#footnote-11) and contacts have intensified between CoE bodies and relevant EU institutions. More specifically, as in 2020, the CoE Secretariat, following an invitation from the EC, submitted a contribution to the EC 2021 Rule of Law Report

as concerns EU member States. In her later contacts on this issue with President of the Commission Von der Leyen, Vice-President Jourová and Commissioner Reynders, the CoE Secretary General welcomed, in particular, the numerous references to the CoE in the EC Report and reiterated the CoE’s willingness to further continue close co‑operation in this field. Commissioner Reynders confirmed the EC’s commitment to continue to rely on relevant CoE standards and findings of CoE monitoring bodies.

Co-operation also continued through various CoE rule of law-related mechanisms, notably with GRECO (the EU being an observer), MONEYVAL and CEPEJ,[[12]](#footnote-12) to name but a few, and the EU frequently refers to the Opinions of the Venice Commission addressing the rule of law.[[13]](#footnote-13)

Such co-operation is crucial to confirm the CoE’s role as “benchmark for human rights, the rule of law and democracy in Europe” provided for in the 2007 MoU.

* **EU participation in or accession to CoE instruments**

On 21 May 2021, in Hamburg, the Committee of Ministers “encouraged EU participation in or accession to CoE instruments, as appropriate, as a way of achieving coherence and complementarity and promoting synergies and, in that context, reiterated in particular its commitment to EU accession to the ECHR”.[[14]](#footnote-14) The Committee of Ministers also considered that this accession “is of particular importance to ensure that the Convention applies in a comprehensive and uniform manner across Europe. It should strengthen the ECHR at the heart of the pan-European system of human rights’ protection”.[[15]](#footnote-15) PACE also underlined that accession was “a strategic priority.”[[16]](#footnote-16) Since the resumption of discussions in 2020, negotiations have progressed through the successive meetings of the “47+1 Group”.[[17]](#footnote-17) A number of complex legal issues continues to be addressed in a spirit of co-operation and complementarity.

Concerning social rights, on 18 October 2021, on the occasion of the 60th anniversary of the European Social Charter, the CoE Secretary General and Commissioner Schmit discussed ongoing efforts to reinforce the Charter and its contribution to the implementation of the EU Pillar on Social Rights and its associated Action Plan.

With respect to EU accession to the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), signed by the EU in 2017, the Court of Justice of the EU (ECJ) delivered an Opinion on 6 October 2021, according to which, conclusion of the Convention may not be contingent on the prior establishment of a “common accord” of EU member States.[[18]](#footnote-18) In bilateral meetings with the CoE Secretary General and on public occasions, Commissioner Dalli reiterated that the EU’s accession to the Istanbul Convention is a key priority for the EC.

In addition, in 2021, the EU institutions reiterated their support to other CoE Conventions, notably the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its amending Protocol (“Convention 108+”), the “Medicrime” Convention, the Convention onCybercrime (“Budapest Convention”) and its Additional Protocols and the Convention for theProtection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Convention”). Concerning the Convention on theManipulation of Sports Competitions(“Macolin Convention”), on 23 November 2021, the Committee of Ministers “encouraged EU member States and the EU to become Parties to the Convention as soon as possible”.[[19]](#footnote-19)

The EU also participates in a number of CoE Partial Agreements, as a member of the [European Pharmacopoeia](https://www.coe.int/en/web/conventions/accessions-or-other-participations?module=partial-agreement-members&numeroAp=3&dateStatus=02-22-2022) since 1997, in the [European Audiovisual Observatory](https://www.coe.int/en/web/conventions/accessions-or-other-participations?module=partial-agreement-members&numeroAp=11&dateStatus=02-22-2022), as an observer to the [Group of States against Corruption (GRECO)](https://www.coe.int/en/web/conventions/accessions-or-other-participations?module=partial-agreement-members&numeroAp=13&dateStatus=02-22-2022), as a participant in the International Co-operation Group on Drugs and Addictions [(Pompidou Group)](https://www.coe.int/en/web/conventions/accessions-or-other-participations?module=partial-agreement-members&numeroAp=5&dateStatus=02-22-2022)[[20]](#footnote-20) and in the [Co-operation Group for the Prevention of, Protection Against, and Organisation of Relief in Major Natural and Technological Disasters](https://www.coe.int/en/web/conventions/accessions-or-other-participations?module=partial-agreement-members&numeroAp=6&dateStatus=02-22-2022) (EUR-OPA). The EU also plays a major role in the European Centre for Global Interdependence and Solidarity (North-South Centre) of the CoE.

* **Other highlights of the co-operation**

Co-operation incriminal matters,and more specifically in the fight against human trafficking, terrorism and radicalisation, has continued. It should be noted that CoE and EU leaders have confirmed their commitment to join forces when working on the protection of the environment, in particular through criminal law. Both organisations have also maintained regular exchanges on their respective work on a number of other issues, for example media freedom and pluralism,[[21]](#footnote-21) hate speech, internet governance, disinformation, interference in elections, children’s rights, youth[[22]](#footnote-22) and bioethics. As concerns the ethical and human rights aspects of artificial intelligence, a priority for both organisations, close co-ordination on related policies, standards and practices remains crucial. Co-operation with the EC on the fight against discrimination, including with respect to LGBTI persons and hate speech and in the field of gender equality and Roma inclusion has also been strengthened, and the relevance of ECRI’s work, *inter alia*, highlighted. Moreover, close co-operation has continued in the field of education, in particular with respect to competences for a democratic culture, inclusive education and higher education and the fair recognition of qualifications and in the context of the European Higher Education Area (EHEA). The programme “i-LEGEND - Intercultural Learning Exchange through Global Education, Networking and Dialogue”, implemented by the North-South Centre, is, *inter alia*, promoting the SDGs through global development education.[[23]](#footnote-23)

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Concerning co-operation between the CoE and the EU Agency for Fundamental Rights (FRA), at its meeting in Vienna on 10 June 2021, the CoE Secretary General and the FRA Director confirmed the fruitful co‑operation established between the CoE and FRA on the basis of their respective mandates, and addressed in particular further co-operation in the context the FRA European Fundamental Rights Information System (EFRIS).[[24]](#footnote-24) In addition, on 21 September 2021, the GR-EXT held an exchange of views with the FRA Director and the CoE Independent Person to sit on the organs of the Agency.[[25]](#footnote-25)

As regards migration-related issues, co-operation increased in the framework of the CoE “Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021 - 2025)”. The CoE SRSG and his Office developed contacts with the EU and its competent Agencies,[[26]](#footnote-26) in particular through the SRSG’s visit to Brussels in September 2021. High-level dialogue and co-operation also developed through other CoE bodies, in particular PACE (e.g. EU Commissioner Johansson addressed PACE on 24 January 2022 in the context of its debate on the “EU Pact on Migration and Asylum: a human rights perspective”), the Congress, the Commissioner for Human Rights and the European Committee for the Prevention of Torture (CPT).

1. **Consolidating the strategic approach to joint activities**

The EU remains the biggest donor of the CoE technical co-operation activities, covering the EU Enlargement Region, countries of the Eastern Partnership, EU member States, the Southern Mediterranean and Central Asia, as well thematic areas. In 2021, the global volume of the CoE-EU Joint Programme co‑operation reached 207.4 million EUR, with the annual receipts on these programmes accounting for 57% of annual receipts from all extra-budgetary resources.[[27]](#footnote-27)

Since the Statement of Intent, signed in April 2014, Joint Programme co-operation has been following a strategic programmatic approach, which brought it to its current heights. Three large-scale multiannual multi‑country programmes (known as “regional programmatic facilities”) have been put in place in the EU Eastern Partnership area (the Partnership for Good Governance), in the EU Enlargement area (Horizontal Facility for the Western Balkans and Turkey) and in the Southern Neighbourhood (South Programme). The facilities have been complemented, where necessary, by country-specific and regional interventions. The large-scale regional programme, “Rule of Law Programme”, continued to be implemented in Central Asia. Additionally, structured co-operation frameworks with DG-REFORM have led to increased technical assistance channelled to the EU member States to facilitate the implementation of the relevant structural reforms. In addition, the share of thematic multilateral programmes remained stable over the last years.

Tangible results have been reached through this fruitful strategic co-operation. In the years to come, foreseeable and flexible multi-country/thematic and multiannual programmes will remain more necessary than ever to cover the diversity of the geographic/thematic areas concerned. To this end, the next phases of the facilities are under preparation.

Most, if not all of the CoE’s co-operation activities, and notably Joint Programmes between the CoE and the EU, contribute to the implementation of the UN 2030 Agenda and the achievement of the SDGs. Extra‑budgetary contributions have primarily supported SDG-16 “Peace, justice and strong institutions” (in particular targets 2, 3, 4, 5 and 6). They have also contributed to the achievement of SDG-1 “No poverty”, SDG-3 “Good health and well-being”, SDG-4 “Quality education” (targets 4 and 7), SDG-5 “Gender equality” (targets 1, 2 and 5), SDG-8 “Decent work and economic growth” (target 6), SDG-10 “Reduced inequalities” (targets 2 and 3), SDG-11 “Sustainable cities and communities” and SDG-17 “Partnerships for the goals”.

1. **Conclusion**

As decided by the Committee of Ministers in May 2021, CoE co-operation with the EU has been “further enhanced” “in order to face the growing challenges” facing Europe in the fields of human rights, democracy and the rule of law, and to uphold the human rights’ protection system in Europe. All three pillars of the partnership, namely political dialogue, legal co-operation and programmatic co-operation, have been consolidated to ensure coherence and complementarity. The CoE has implemented its role as “benchmark for human rights, the rule of law and democracy in Europe”, with respect to EU member States/EU law and in the context of the EU Enlargement, the Eastern Partnership, and the Southern Neighbourhood polic~~i~~es.

CoE co-operation with the EU has become an ever broader and evolving “work in progress”. It is also a telling example of a dynamic multilateralism to uphold and promote shared values in Europe and beyond. It should remain a priority for the Organisation. The CoE’s benchmarking role and its co-operation with the EU, in Europe and beyond, illustrate the Organisation’s contribution to international order and global governance and to the achievement of the SDGs.

The unprecedented challenges now facing Europe and the exclusion of the Russian Federation from the Council of Europe call for an even stronger cooperation with the EU. Negotiations on EU accession to the ECHR will also be a key element of the co-operation in the months to come.

1. Document [CM(2021)25-final](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM(2021)25-final" \o "[131st Session] Co-operation between the Council of Europe and the European Union - Summary Report on co-operation between the Council of Europe and the European Union). [↑](#footnote-ref-1)
2. See <https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a28e14>. [↑](#footnote-ref-2)
3. See <https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680a28ddc>, para. 11. [↑](#footnote-ref-3)
4. See, for example, EUDEL videos “*EU-CoE, One Europe, Two Distinct Stories*”. [↑](#footnote-ref-4)
5. High-level dialogue, either in-person or online, included HR/VP Borrell Fontelles, Commission Executive Vice-President Vestager (“A Europe Fit for the Digital Age”), Vice-Presidents Jourová (“Values and Transparency”) and Šuica (“Democracy and Demography”), and Commissioners Dalli (“Equality”), Gabriel (“Innovation, Research, Culture, Education and Youth”), Hahn (“Budget and Administration”), Johansson (“Home Affairs”), Kyriakides (“Health and Food Safety”), Reynders (“Justice”) and Schmit (“Jobs and Social Rights”), as well as FRA Director O’Flaherty and the Slovenian Presidency of the Council of the EU. [↑](#footnote-ref-5)
6. Commissioners Kyriakides, Dalli and Johansson addressed the PACE during this reporting period. [↑](#footnote-ref-6)
7. Congress co-operation with the European Committee of the Regions of the EU (CoR) is steered by the Congress-CoR High-Level Group, in accordance with the 2018 co-operation agreement; the Congress is also consulted by the European Commission for country progress review reports, based on the Congress monitoring of the European Charter of Local Self-Government in relevant countries. [↑](#footnote-ref-7)
8. Rapporteur: Mr Titus CORLĂŢEAN, Romania, Socialists, Democrats and Greens Group. The adoption of relevant texts is foreseen in April 2022. [↑](#footnote-ref-8)
9. This contribution is widely illustrated in the European Commission (EC) 2021 “Enlargement package”. [↑](#footnote-ref-9)
10. Reply to Parliamentary Assembly Recommendation 2151 (2019) adopted on 11 December 2019. [↑](#footnote-ref-10)
11. In particular through the case law of the European Court of Human Rights (ECtHR) and the expertise provided by the Venice Commission (VC), GRECO, the European Commission for the Efficiency of Justice (CEPEJ), MONEYVAL and the Consultative Councils of European Judges (CCJE) and of European Prosecutors (CCPE), as well as directly through co-operation projects. [↑](#footnote-ref-11)
12. CEPEJ provides data on the functioning of judicial systems in the EU member States for the EC annual “EU Justice Scoreboard”, as well as in the Western Balkans and Eastern Partnership countries for EU reporting purposes (the “Dashboard programmes”). [↑](#footnote-ref-12)
13. To recall, specific mechanisms have been set up within the EU/CoE Facilities to request Venice Commission Opinions: Quick Response Mechanism (QRM) under the Partnership for Good Governance (PGG) and the Expertise Co-ordination Mechanism (ECM) under the Horizontal Facility (HF). [↑](#footnote-ref-13)
14. See <https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a28e14>. [↑](#footnote-ref-14)
15. See <https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680a28ddc>, para. 10. [↑](#footnote-ref-15)
16. Resolution 2369(2021). [↑](#footnote-ref-16)
17. See [EU accession to the ECHR (coe.int)](https://www.coe.int/en/web/human-rights-intergovernmental-cooperation/accession-of-the-european-union-to-the-european-convention-on-human-rights). [↑](#footnote-ref-17)
18. See ECJ Opinion 1/19, Istanbul Convention, 6 October 2021. As tweeted by the ECJ on 6 October 2021, “the Council may wait for the ‘common accord’ of member states before adopting a decision concluding the Istanbul Convention on behalf of the EU; however, such conclusion of the convention may not be contingent on the prior establishment of such a ‘common accord’”. [↑](#footnote-ref-18)
19. See [CM/AS(2021)Rec2178-final](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/AS(2021)Rec2178-final" \o "\“Time to act: Europe’s political response to fighting the manipulation of sports competitions\” - Parliamentary Assembly Recommendation 2178 (2020) (Reply adopted by the Committee of Ministers on 23 November 2021 at the 1418th (Budget) meeting of the Ministers’ Deputies)) “Time to act: Europe’s political response to fighting the manipulation of sports competitions”. It was also noted that the ECJ Opinion 1/19, Istanbul Convention, 6 October 2021 “may also have implications for the Macolin Convention”. [↑](#footnote-ref-19)
20. The revised statute of the Pompidou Group, adopted by the Committee of Ministers on 16 June 2021, opens the possibility for the EU to become a full member of the Group. [↑](#footnote-ref-20)
21. Closer exchanges have taken place with the EC as regards safety of journalists, media governance and SLAPPs, in view of the preparation of new standards and legislation by each organisation. [↑](#footnote-ref-21)
22. The EC-CoE Youth Partnership, *inter alia*, is widely considered as a successful example of co-operation. [↑](#footnote-ref-22)
23. Through the continuous development of educators’ competences, a more effective integration of global development issues into formal and non-formal education, the provision of the necessary methodological support for educators and raising awareness about the interdependencies in the world. [↑](#footnote-ref-23)
24. An exchange of letters was then concluded. [↑](#footnote-ref-24)
25. Mr Philippe Boillat, Switzerland. Interlocutors highlighted recent projects, such as EFRIS, the series of handbooks prepared jointly by the FRA and the Registry of the European Court of Human Rights, co-operation in the field of artificial intelligence and the important CoE contribution to the FRA bulletins on Covid-19 and fundamental rights. [↑](#footnote-ref-25)
26. Notably the European Asylum Support Office (EASO), now called the “EU Asylum Agency” and FRONTEX, in particular with its Fundamental Rights Officer who visited the CoE with his team on 8-10 November 2021. [↑](#footnote-ref-26)
27. For details, see document [CM(2022)62-addfinal](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM(2022)62-addfinal) “Joint Programmes between the Council of Europe and the European Union in 2021”. [↑](#footnote-ref-27)