

COMMISSION OF THE EUROPEAN COMMUNITIES

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Commission communication to the Council
on relations between the Community
and the Council of Europe

1. At the Council meeting (General Affairs) on 20 February a memorandum was tabled from the Dutch delegation concerning cooperation between the Community and the Council of Europe. The Council held an initial discussion on the matter, which it agreed to continue on 20 March on the basis of this Commission communication.
2. The initial discussion on 20 February included an examination of the Dutch memorandum, which proposed:
 - (i) to make greater use of the Council of Europe's work in areas where that organization has been active and to draw on its achievements when drawing up Community legislation;
 - (ii) to use the framework of the Council of Europe to step up the Community's relations with countries interested in Community membership.
3. The Commission has considered the means, implications and limitations of stepping up cooperation between the Community and the Council of Europe.

The Commission's analysis takes account of the respective powers and activities of the two organizations.

Although they are pursuing a similar goal along parallel lines, the Community and the Council of Europe have different political aims, fields of activity and working methods. The Council of Europe is an intergovernmental organization operating almost exclusively by means of conventions and recommendations and its field of activity is restricted to certain areas (human rights, culture, social affairs, social problems, etc.). The Community, on the other hand, has powers transferred to it by its Member States, powers which are far more wide-ranging and, by definition, susceptible of development.

As part of the Council of Europe's internal discussion on redefining its role and improving its working methods, Mr Oreja, the Secretary General, has proposed that the organization concentrate on three priority areas of activity: human rights, culture and social problems.

The Commission takes the view that cooperation is possible in these and possibly other areas, providing it is approached pragmatically, case by case, so as to ensure a complementarity of activities between the two organizations which would avoid duplication or overlapping of effort.

The Commission's desire to preserve the scope for the development of the Community's powers and not to hinder the realization of the objectives of the Treaty and the Single Act lead it to reject the idea of a definitive distribution of tasks and activities between the two organizations.

4. With regard to existing practical cooperation, the Commission considers this to be satisfactory at departmental level.
- 4.1 The aide-memoire which the Commission sent the Council for its meeting on 20 February gives a positive picture of existing cooperation. Following the exchange of letters of June 1987, structures were set up in Brussels and Strasbourg which have given a better idea of the activities under way and the goals being pursued.

With more particular reference to the Commission, the Interdepartmental Working Party on the Council of Europe, which is responsible for following cooperation developments, is the mainspring of cooperation and the instrument which might bring about the desired improvements.

- 4.2 Working both internally through the existing Interdepartmental Working Party and externally with the Secretariat of the Council of Europe, the Commission is prepared to improve sectoral cooperation by pinpointing even more closely the possible areas of cooperation.
- (i) A regular comparison could be made of the work programmes of each organization.
 - (ii) The implementation of joint projects could be continued and improved, as demonstrated by the Commission's recent invitation to the Council of Europe to participate in the European Tourism Year.
 - (iii) The Commission will continue to look into possible Community participation in the conventions of the Council of Europe in areas covered by the Community's powers.
 - (iv) This potential could be increased by the use of the open partial agreements procedure. This allows each case to be approached individually and is a flexible and effective instrument of cooperation between Community and non-Community states.

- (v) Lastly, the Council should reach a decision on the Commission communication of February 1987 on the extension of texts adopted by the European Communities to non-Community member states of the Council of Europe (extension of directives).

In view of all this, the Commission considers that action within the Community framework is indispensable for the cohesion of the Community. Should the Community agree to cooperate within the wider framework of the Council of Europe this should in no way limit its capacity for internal legislation in the fields concerned or, for instance, prevent it moving beyond the objectives set by the Council of Europe.

5. The Commission looks favourably on the Dutch proposal to raise the current dialogue between the two organizations to a political level, having regard to the future outlook and relations with the "other Europeans".

In this context the Commission proposes to send the Council an annual report on cooperation with the Council of Europe. Moreover, the Commission is prepared to take part in an informal annual exchange of views between the political bodies of the two organizations, as suggested by the Dutch Government.

Such an annual meeting of the political bodies of the Community and the Council of Europe could be beneficial in providing a mutual flow of information.

The participants in this meeting would compare the current and future activities of the two organizations by looking at the work programmes of each of them and by examining the activities reports drawn up by the Commission and the Council of Europe Secretariat.

To this end, the Council of Europe should provide the most detailed information possible on its initiatives in sufficient time for the Community to determine its own position, if necessary.

6. The Commission therefore recommends that the Council approve the guidelines set out above.

In accordance with the exchange of letters of June 1987, the Commission will communicate these guidelines to the Council of Europe and will refer to them, possibly in the form of a statement, on 5 May 1989 (the 40th anniversary of the Council of Europe) at the meeting of the Committee of Ministers, at which the Council of Europe will adopt its own declaration.