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Joint meeting of the Parliamentary Assembly of the Council of Europe and the European Parliament

PRESIDENT COX. – Mr President, members of the Council of Europe and colleagues from the European Parliament, I am extremely pleased to have this opportunity and that we have the privilege of sharing a joint meeting between our two institutions. I am especially pleased at this time to speak about the theme that we have picked as a focus for our remarks.

In the European Union, we are on the eve of an historic political choice about the next enlargement, which will be the largest and the most diverse enlargement of the European Union ever. The Council of Europe has done so much to prepare the way for that enlargement, and I believe that this meeting is timely and appropriate in those terms.

In acknowledging the presence of so many colleagues from the European Parliament, I should like to pay a particular word of tribute to my colleague, the Vice-President, Catherine Lalumière, who maintains for the European Parliament a special link with the Council of Europe and who, in her formidable professional capacity, has served the Council of Europe so well and for so long.

On today's theme of the rule of law and specific fundamental freedoms, it has been a great strength and hallmark of your work at the Council of Europe since your inception that you have managed to prepare the way in such depth. The publication of 200 conventions in fifty years has contributed to the democratic development of our continent and to forming an indispensable pathway to the part of the project that we wish to bring to fulfillment inside the European Union with the challenge of enlargement. Your avant-garde role is and remains essential to the future of the peace and justice agenda and rights and freedoms agenda to which we have all aspired since Mr Gorbachev spoke to you on 6 July 1989 of building a common European house in this chamber.

It is not by chance that fifteen member states of the Union will soon be joined by many more. We already have thirteen candidate states and one can see others waiting in the wings to apply for that status. It is not surprising that they have decided to go further and pool resources and sovereignty one step more in the creation of the European Union and its role in the wider continental politics of Europe. In some ways, I think that that is the logical and historical sequel to the ground-breaking efforts of the Council of Europe. In that context, the issue that should be stressed today between our two institutions is one of complementarity rather than competition in our respective roles to date and in future. I believe that continuity should be the spirit and letter that motivates our activities arising from today's joint session.

The development of the European Union was set out in Articles 2 and 6 in the Treaty of Amsterdam – the part of the treaty that deals with the Union's founding on the principles of liberty, democracy and respect for human rights, fundamental freedoms and the rule of law. In addition, the solemn proclamation made in Nice in December 2002 on the charter of fundamental rights brought us to a new threshold in relation to the European Union and its treaties. That is a positive policy instrument. The charter was adopted as a general measure. It does not yet, of course, serve as a legal instrument. Article 51 explicitly states that the charter "does not establish any new power or task of the Community or the Union".

I am well aware that the legal foundations of EU competences in the area of human rights, unlike those in other fields of administrative and constitutional law, are sometimes contested. Some member states are clearly reluctant, on good and understandable grounds of subsidiarity, to adopt a legally and constitutionally based human rights policy and have a certain reserve about some of the steps in that direction. I am also aware that some human rights organisations occasionally criticise the EU for being keener to look out than to look in. The challenge to create a holistic, consistent policy is important for us collectively, and especially for the European Parliament.
In the relations between the EU and the Council of Europe on matters of human rights and jurisprudence, I believe that synergy and complementarity are the challenge, not competitiveness. As President of the European Parliament, my understanding is that in the ongoing discussions on the Convention on the Future of Europe, currently being led by Mr Giscard d'Estaing, the working group on the charter has to date been positive about integrating the charter and the treaties and about the accession of the European Union to the European Convention on Human Rights. If this were to come about it would give the EU autonomous confidence and a legally binding instrument. We should not forget that the charter leaves the door open to the more extensive provisions of the Convention.

We agree on the value of recognising the fundamental dignity of the human being and the idea of a healthy synergy between the Convention and the charter. It is not beyond the bounds of our collective energy and imagination to achieve such a positive synergy and to avoid, as you, Mr President, have remarked, useless and competitive horse trading; that diminishes both parties equally. It is a question of recognising the common values and building on the common strengths. My message is about the need for synergy. The European Convention on Human Rights is and remains an essential part of the armoury of Europe. I hope that it will be a core part of the armoury of the European Union.

In specific cases in which the EU has adopted measures against, for example, corruption or cyber-crime, we have based our work substantially on the texts and work of the Council of Europe, demonstrating the synergy and complementarity that I have emphasised. It would not have been possible to work so speedily on the European arrest warrant had it not been for the simplifications achieved by the Council of Europe Convention. The avant-garde role of the Council of Europe offers a primary platform that assists us in speedily responding to some of our challenges,