Council of the European Union

Brussels, 7 October 2024
(OR. en)

14233/24

Interinstitutional File:
2022/0416(NLE)

CULT 92
RELEX 1232

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Memorandum of Understanding between the Council of Europe and the European Union (Strasbourg, 11 and 23 May 2007)

With a view to the presentation and exchange of views to be held with the Council of Europe representative at the CAC meeting on 11 October 2024 (agenda item 5), delegations will find attached as a background document the *Memorandum of Understanding between the Council of Europe and the European Union*, which was signed in Strasbourg on 11 and 23 May 2007.

Delegations' attention is drawn to the section on "Intercultural dialogue and cultural diversity" (paragraphs 33-35).





Memorandum of Understanding

between the Council of Europe
and the European Union

PREAMBLE

The Council of Europe and the European Union,

1. Seeking to achieve greater unity between the states of Europe through respect for the shared values of pluralist democracy, the rule of law and human rights and fundamental freedoms as well as through pan-European co-operation, thus promoting democratic stability and security to which European societies and citizens aspire;

2. Recognising the unique contribution of the Convention for the Protection of Human Rights and Fundamental Freedoms, of the European Court of Human Rights, as well as of other Council of Europe standards and instruments for the protection of the rights of individuals, and taking into account the importance of the Charter of Fundamental Rights of the European Union, as well as Article 6.2 of the European Union Treaty;

3. Recalling the Declaration and Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe in Warsaw in May 2005, and in particular the decision to create a new framework for enhanced co-operation and political dialogue, on the basis of the guidelines set out in Chapter IV of the Action Plan;

4. Bearing in mind the strategic vision contained in the report on the relations between the Council of Europe and the European Union prepared in his personal capacity and at the request of the Heads of State and Government by Jean-Claude Juncker, Prime Minister of Luxembourg;

5. Seeking to intensify co-operation and ensure co-ordination of action on issues of mutual interest;

6. Considering their comparative advantages and specific characteristics and building upon existing good relations;

7. Bearing in mind that the Heads of State and Government at the Third Summit of the Council of Europe in Warsaw decided that all activities of the Council of Europe must contribute to its fundamental objective, i.e. preserving and promoting human rights, democracy and the rule of law, and adopted an Action Plan which defines areas where the role of the Council of Europe as an effective mechanism for pan-European co-operation should be enhanced;

8. Deciding to establish a new framework for enhanced co-operation and political dialogue,

Have reached the following understanding:

PURPOSES AND PRINCIPLES OF CO-OPERATION

9. The Council of Europe and the European Union will develop their relationship in all areas of common interest, in particular the promotion and protection of pluralistic democracy, the respect for human rights and fundamental freedoms, the rule of law, political and legal co-operation, social cohesion and cultural interchange. In doing so, they will follow the guidelines adopted by the Third Summit in Warsaw which called for the building of a Europe without dividing lines.

10. The Council of Europe will remain the benchmark for human rights, the rule of law and democracy in Europe.

11. On the basis of enhanced partnership and complementarity, the Council of Europe and the European Union will take all the necessary measures to promote their co-operation by exchanging views on their respective activities and by preparing and implementing common strategies and programmes for the priorities and areas of shared interest set out below.

12. The co-operation will take due account of the comparative advantages, the respective competences and expertise of the Council of Europe and the European Union – avoiding duplication and fostering synergy –, search for added value and make better use of existing resources. The Council of Europe and the European Union will acknowledge each other's experience and standard-setting work, as appropriate, in their respective activities.

13. They will extend their co-operation to all areas where it is likely to bring added value to their action.

SHARED PRIORITIES AND FOCAL AREAS FOR CO-OPERATION

14. The Council of Europe and the European Union reaffirm their commitment to establish close co-operation based on their shared priorities and, where possible, to strengthen their relations in areas of common interest such as:

- human rights and fundamental freedoms;

- rule of law, legal co-operation and addressing new challenges;

- democracy and good governance;

- democratic stability;

- intercultural dialogue and cultural diversity;

- education, youth and promotion of human contacts;

- social cohesion.

15. Other areas of shared priorities and common interest may be defined on the basis of mutual consultations.

Human rights and fundamental freedoms

16. The Council of Europe and the European Union will base their co-operation on the principles of indivisibility and universality of human rights, respect for the standards set out in this field by the fundamental texts of the United Nations and the Council of Europe, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, and the preservation of the cohesion of the human rights protection system in Europe.

17. The European Union regards the Council of Europe as the Europe-wide reference source for human rights. In this context, the relevant Council of Europe norms will be cited as a reference in European Union documents. The decisions and conclusions of its monitoring structures will be taken into account by the European Union institutions where relevant. The European Union will develop co-operation and consultations with the Commissioner for Human Rights with regard to human rights.

18. While preparing new initiatives in this field, the Council of Europe and the European Union institutions will draw on their respective expertise as appropriate through consultations.

19. In the field of human rights and fundamental freedoms, coherence of Community and European Union law with the relevant conventions of the Council of Europe will be ensured. This does not prevent Community and European Union law from providing more extensive protection.

20. Early accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms would contribute greatly to coherence in the field of human rights in Europe. The Council of Europe and the European Union will examine this further.

21. Co-operation between the Council of Europe and the European Union will include the protection of persons belonging to national minorities, the fight against discrimination, racism, xenophobia and intolerance, the fight against torture and ill-treatment, the fight against trafficking in human beings, the protection of the rights of the child, the promotion of human rights education and freedom of expression and information.

22. The European Union Agency for Fundamental Rights strengthens the European Union's efforts to ensure respect for fundamental rights within the framework of the European Union and Community law. It respects the unity, validity and effectiveness of the instruments used by the Council of Europe to monitor the protection of human rights in its member states. The concrete co-operation between the Council of Europe and the Agency will be the subject of a bilateral co-operation agreement between the Council of Europe and the Community.

Rule of law, legal co-operation and addressing new challenges

23. The Council of Europe and the European Union will endeavour to establish common standards thus promoting a Europe without dividing lines, without prejudice to their autonomy of decision.

24. Bearing this in mind, legal co-operation should be further developed between the Council of Europe and the European Union with a view to ensuring coherence between Community and European Union law and the standards of Council of Europe conventions. This does not prevent Community and European Union law from adopting more far-reaching rules.

25. To this end and to the extent necessary the Council of Europe and the European Union will consult each other at an early stage in the process of elaborating standards.

26. The Council of Europe and the European Union will continue to strive to develop appropriate forms of co-operation in response to the challenges facing European society, and to enhance the security of individuals, particularly as regards combating terrorism, organised crime, corruption, money laundering and other modern challenges, including those arising from the development of new technologies.

Democracy and good governance

27. The Council of Europe and the European Union will draw on each other's expertise and activities to promote and strengthen democracy and good governance, and to foster gender equality as well as greater participation of women in the decision-making process in public life.

28. They will make full use of the Venice Commission's expertise. They will co-operate through the Forum for the Future of Democracy in order to promote democracy, citizen's participation, democratic development and good governance. They will consider the application of new technologies in this context.

29. They will explore ways of working more closely in the field of regional and transfrontier co-operation. They will endeavour to promote local democracy in view of the contribution which it can make to the achievement of their shared objectives. They should make good use of the Council of Europe Congress of Local and Regional Authorities and the Committee of Regions of the European Union, as well as the Centre of Expertise on Local Government Reform.

Democratic stability

30. Bearing in mind the common aim of promoting and strengthening democratic stability in Europe, the Council of Europe and the European Union will increase their common efforts towards enhanced pan-European relations, including further co-operation in the countries participating in the European Union's Neighbourhood Policy or the Enlargement process, with due regard to the specific competences of both institutions and in conformity with Council of Europe member states' observance of their obligations and commitments.

31. This co-operation, in order to promote democracy and citizens' participation, will also include states aspiring for membership of the Council of Europe.

32. To reinforce co-operation in the areas mentioned in this chapter, they will have regular exchanges of views and will develop, where appropriate, mutually supportive and reinforcing activities as well as joint programmes as set out in paragraph 52 below.

Intercultural dialogue and cultural diversity

33. The Council of Europe and the European Union will co-operate in order to develop intercultural dialogue and cultural diversity with a view to promoting respect for human rights and mutual understanding among cultures in Europe. This dialogue is an important element in the fight against all forms of discrimination, racism and xenophobia.

34. The European Union will examine its participation in the inter-institutional open platform of co-operation for intercultural dialogue initiated by the Council of Europe and UNESCO at the Faro Ministerial Conference.

35. The Council of Europe and the European Union will promote ideas and values fostering cultural diversity both among their respective member states as well as in relevant international fora. In this spirit, the Council of Europe will promote the ratification and implementation of the UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions by its member states. The Council of Europe and the European Union will promote its ratification and implementation by their international partners.

Education, youth and the promotion of human contacts

36. The Council of Europe and the European Union will co-operate in building a knowledge-based society and a democratic culture in Europe, in particular through promoting democratic citizenship and human rights education. They will support the Bologna process aimed at establishing a higher education area by 2010, as well as education networks and student exchanges at all levels.

37. The Council of Europe and the European Union will strengthen their co-operation in the youth field by developing and taking part in programmes and campaigns to empower young people to participate actively in the democratic process and by facilitating youth exchange.

38. They will encourage exchanges of good practices concerning freedom of movement, in order to improve people-to-people contacts between Europeans throughout the continent.

Social Cohesion

39. The Council of Europe and the European Union will co-operate in the field of social cohesion on the basis of the Council of Europe Social Charter and the relevant European Union texts.

40. On the basis of their respective frameworks, they will support the efforts by member states to exchange good practices on social cohesion and solidarity – in particular in combating violence, poverty and exclusion and in protecting vulnerable groups - and to develop more efficient policies in this field.

ARRANGEMENTS FOR CO-OPERATION

41. The Council of Europe and the European Union, within their respective policy frameworks, will consult regularly and closely, both at political and technical levels, on matters within the shared priority areas described above.

42. They should further continue to develop joint activities and co-operate through specialised Council of Europe structures, processes and initiatives as well as appropriate institutions of the European Union.

43. Such co-operation should include:

- reinforced dialogue on policy issues to identify joint priorities and develop common strategies with a medium or long-term perspective;

- regular exchanges of information and development of common views and initiatives;

- further co-ordination of operational activities in priority areas;

- enhanced consultation between networks/bodies with activities in the same priority or focal areas;

- partnership with those states benefiting from activities, programmes and other common initiatives carried out in this framework;

- joint activities and events.

Meetings and mechanisms for strengthening co-operation

44. The Council of Europe and the European Union will pursue their regular "Quadripartite" meetings devoted to the most important aspects of co-operation and strategic issues. Ways of enhancing the parliamentary contribution to this process will be examined. In addition, ad hoc consultations at a high political level could be held on topical matters of common interest.

45. More frequent consultations aimed at the reinforcement of political dialogue between, on the one hand, the Presidency/Troika of the European Union and, on the other hand, the Chairmanship and Vice-Chairmanship of the Committee of Ministers and Secretary General of the Council of Europe may take place on an informal basis in the Ministers' Deputies and at the level of the Political and Security Committee (PSC).

Inter-institutional co-operation

46. The European Parliament and the Parliamentary Assembly of the Council of Europe are invited to reinforce their co-operation in order to further strengthen the parliamentary dimension of interaction between the Council of Europe and the European Union, in accordance with the Agreement to be signed by the respective Presidents.

47. The Council of Europe's Human Rights Commissioner, the Committee for the Prevention of Torture, the European Commission against Racism and Intolerance and the other specialised bodies of the Council of Europe, as well as the relevant European Union institutions are especially invited to reinforce their co-operation.

48. The Council of Europe and the European Union will further co-operate by using the opportunities provided by existing partial agreements and conferences of specialised ministers.

49. The Committee of the Regions of the European Union and the Congress of Local and Regional Authorities of the Council of Europe are invited to increase co-operation, building on their agreement of 13 April 2005.

50. The contribution of civil society to achieving the objectives shared by the Council of Europe and the European Union will also be encouraged.

Institutional presence

51. The Council of Europe and the European Union will consider how best to enhance and strengthen their presence in Brussels and Strasbourg respectively.

Joint Programmes

52. In line with the Joint Declaration on co-operation and partnership between the Council of Europe and the European Commission signed on 3 April 2001, ongoing co-operation will be reinforced in the framework of the joint programmes, which could include regional thematic programmes. The Council of Europe will continue to provide for consultations with Council of Europe beneficiary member countries. Consultations involving the European Commission, the Secretariat of the Council of Europe and as a general rule the Council of Europe member countries concerned will continue to be organised to discuss the priorities of co-operation. Member and observer states which are donors will be invited to take part in this co-operation and its evaluation.

VISIBILITY OF THE PARTNERSHIP

53. The Council of Europe and the European Union commit themselves to improving co-operation in the area of communication with the aim of increasing awareness and understanding of their shared values and of their partnership among both the general public and specialised audiences. They will consult on the calendar of their respective awareness-raising campaigns and will consider the possibilities of organising joint events.

54. The Council of Europe and the European Union will take all necessary measures to maximise the visibility of their joint action, especially of the joint programmes, for the citizens of their member states, with a special emphasis on the countries benefiting from this co-operation.

FOLLOW-UP

55. The Council of Europe and the European Union will regularly evaluate the implementation of the present Memorandum of Understanding. In the light of this evaluation, it will be decided by common agreement, not later than 2013, to revise, if necessary, the Memorandum of Understanding with a view to including new priorities for their co-operation.

Signed in two copies (English and French) on 11 May 2007 in Strasbourg

For the Council of Europe

Fiorenzo Stolfi
Chairman of the Committee of Ministers

Terry Davis
Secretary General

Signed in two copies (English and French) on 23 May 2007 in Strasbourg

For the European Union

President of the Council of the European Union

European Commission