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*Committee on Foreign Affairs*

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**2009/2241(INI)**

9.2.2010

# **DRAFT OPINION**

of the Committee on Foreign Affairs

for the Committee on Constitutional Affairs

on institutional aspects of the accession of the European Union to the  
Convention for the Protection of Human Rights and Fundamental Freedoms  
(2009/2241(INI))

Rapporteur: Cristian Dan Preda

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## SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the prospect of the European Union's accession to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which offers an historic opportunity to create a common framework for human rights across the Continent and to ensure the harmonious development of the case-law of the Court of Justice of the European Communities and the European Court of Human Rights;
2. Points out that accession will enhance the European Union's credibility in talks on human rights with non-Member States;
3. Recalls that, in accordance with Protocol No 8 annexed to the Treaty of Lisbon, a clear mechanism must be established to ensure that proceedings by non-Member States and individual applications are correctly addressed to Member States and/or the European Union;
4. Points out that, when an application is submitted under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the defendant must be identified in accordance with the provisions of European Union law and subject finally to legal review by the Court of Justice;
5. Is of the opinion that, in the interest of legal certainty and transparency in international relations, individuals and non-Member States must be correctly informed as to which matters are the competence of the Member States and which that of the European Union, if need be by means of a declaration of competence appended to the accession treaty; stresses, in this context, the need to establish an information mechanism that takes account of future developments in the distribution of powers between the European Union and its Member States;
6. Points out that the link with the Council of Europe and in particular questions regarding the European Union's participation in the Committee of Ministers and the Parliamentary Assembly are a matter for the Statute of the Council of Europe and would seem to require amendment of the latter, or at least the adoption of a Statutory Resolution setting out the proposed amendments;
7. Insists on Parliament's right to democratic scrutiny being duly taken into account during the procedure to appoint the European Union's representative to the Committee of Ministers and the Steering Committee for Human Rights, and in general, in any appointment to a body within the Council of Europe of which it is agreed under the accession agreement that the European Union is to be a member;
8. Considers that Parliament should take into account as a matter of priority the committees responsible for appointing members to sit in the Parliamentary Assembly of the Council of Europe;

9. Takes the view that, for the benefit of citizens, cooperation between the European Union and the specialised bodies of the Council of Europe should be strengthened in order to help bring about greater consistency and greater complementarity in the sphere of human rights at pan-European level.