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REPORT

on the institutional relations between the EU and the Council of Europe
(2022/2137(INI))

Committee on Constitutional Affairs

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CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
EXPLANATORY STATEMENT	19
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE.....	24
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	25

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the institutional relations between the EU and the Council of Europe (2022/2137(INI))

The European Parliament,

- having regard to Article 6 of the Treaty on European Union (TEU)¹, to Articles 165(3), 167(3) and 220(1) of the Treaty on the Functioning of the European Union (TFEU)² and to the Protocol relating to Article 6(2) of the Treaty on European Union on the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to opinion 2/2013 of the Court of Justice of the European Union (CJEU) of 18 December 2014,
- having regard to the Memorandum of Understanding (MoU) between the Council of Europe and the European Union of 11 May 2007,
- having regard to the Council of Europe Warsaw Summit Action Plan (CM(2005)80 final) of 17 May 2005 and its Appendix 1 entitled ‘Guidelines on the Relations between the Council of Europe and the European Union’,
- having regard to the Agreement on the strengthening of cooperation between the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament of 28 November 2007,
- having regard to the Agreement of 18 June 2008 between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights (FRA) and the Council of Europe,
- having regard to the Statement of Intent of 1 April 2014 for the Cooperation between the Council of Europe and the European Commission in the EU Enlargement Region and the Eastern Partnership and Southern Mediterranean Countries (EU Neighbourhood Region),
- having regard to the Council conclusions on EU priorities for cooperation with the Council of Europe 2020-2022 and 2023-2024 of 13 July 2020 and 30 January 2023 respectively,
- having regard to the Decision of the Committee of Ministers of the Council of Europe (CM/Del/Dec(2022)132/4) on Co-operation between the Council of Europe and the European Union adopted at its 132nd session,
- having regard to the Council of Europe Convention on preventing and combating

¹ OJ C 326, 26.10.2012, p. 13.

² OJ C 326, 26.10.2012, p. 47.

violence against women and domestic violence (Istanbul Convention),

- having regard to the European Social Charter and its additional protocols and to the Revised European Social Charter,
- having regard to the European Charter for Regional or Minority Languages of 25 June 1992 and to the Framework Convention for the Protection of National Minorities of 10 November 1994,
- having regard to the resolutions adopted by the Council of Europe establishing an Enlarged Partial Agreement on Cultural Routes and on confirming its establishment (CM/Res(2010)53 and CM/Res(2013)66),
- having regard to the Santiago de Compostela Declaration of the Council of Europe of 23 October 1987 on the occasion of the proclamation of the Camino de Santiago as the first European Cultural Route and the 48 European Cultural Routes of the Council of Europe,
- having regard to the Committee of Ministers of the Council of Europe’s resolution CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe of 16 March 2022,
- having regard to Resolution 2430 (2022) of the Parliamentary Assembly of the Council of Europe of 26 April 2022 entitled ‘Beyond the Lisbon Treaty: strengthening the strategic partnership between the Council of Europe and the European Union’,
- having regard to the report by Jean-Claude Juncker of 11 April 2006 entitled ‘A Sole Ambition for the European Continent’,
- having regard to the report by the Council of Europe High-Level Reflection Group of October 2022,
- having regard to its resolution of 19 May 2010 on the institutional aspects of accession by the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms³,
- having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights⁴,
- having regard to its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights⁵,
- having regard to its resolution of 24 June 2021 on the Commission’s 2020 Rule of Law Report⁶,

³ OJ C 161E, 31.5.2011, p. 72.

⁴ OJ C 215, 19.6.2018, p. 162.

⁵ OJ C 395, 29.9.2021, p. 2.

⁶ OJ C 81, 18.2.2022, p. 27.

- having regard to its resolution of 19 May 2022 on the Commission’s 2021 Rule of Law Report⁷,
 - having regard to Rule 225 of its Rules of Procedure,
 - having regard to Rule 66 of the Rules of Procedure of the PACE,
 - having regard to the report on the final outcome of the Conference on the Future of Europe of 9 May 2022, in particular point 2 of proposal 48 entitled ‘Culture and exchanges’,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0056/2023),
- A. whereas the European Union and the Council of Europe (CoE) are natural partners and allies in promoting and monitoring human rights, respect for fundamental freedoms, democracy and the rule of law on the European continent; whereas the EU and the Council of Europe are committed to achieving greater unity among European countries through the promotion of democratic stability and security;
 - B. whereas the persisting internal and external challenges to the rules-based multilateral order, democracy and the rule of law, as well as the Russian war of aggression against Ukraine and the impact these have on the human rights situation in Europe provide strong arguments for further strengthening the institutional cooperation between the EU and the CoE;
 - C. whereas on 15 March 2022, as a result of the war of aggression waged by the Russian Federation against Ukraine and following the Parliamentary Assembly’s unanimously adopted opinion, the Committee of Ministers of the Council of Europe decided that the Russian Federation would cease to be a member of the Council of Europe after 26 years of membership;
 - D. whereas the exclusion of Russia means a major change for the Council of Europe and the future of the European continent; whereas this development means that the bloc of 27 EU Member States now makes up two-thirds of the population represented by the member countries of the Council of Europe; whereas this is bound to affect relations between the EU27 and the Council of Europe;
 - E. whereas 2022 marked the 15th anniversary of the signing of the Memorandum of Understanding between the Council of Europe and the European Union and of the Agreement on the strengthening of cooperation between the Parliamentary Assembly of the Council of Europe and the European Parliament;
 - F. whereas although the EU and the CoE have distinct and very different legal systems, the 2005 ‘Guidelines on the Relations between the Council of Europe and the European Union’⁸ already underlined that the ‘common objective of a Europe without new

⁷ OJ C 479, 16.12.2022, p. 18.

⁸ Guidelines on the Relations between the Council of Europe and the European Union, appended to the Council of Europe Warsaw Summit Action Plan (CM(2005)80 final) of 17 May 2005.

dividing lines can best be served by making appropriate use of the norms and standards, as well as the experience and expertise developed in the Council of Europe over half a century' and established that 'legal cooperation' between the organisations 'should continue and be further developed', with guideline No 5 stating that the EU 'shall strive to transpose those aspects of Council of Europe Conventions within its competence into European Union Law';

- G. whereas the 2007 Memorandum of Understanding between the two organisations states that 'the European Union regards the Council of Europe as the Europe-wide reference source for human rights' and that 'the Council of Europe will remain the benchmark for human rights, the rule of law and democracy in Europe';
- H. whereas the current framework for cooperation between the EU and the CoE does not take into account the entry into force of the Treaty of Lisbon on 1 December 2009 or the strategic cooperation partnership on the rule of law, democracy and human rights that the two organisations have so far consolidated;
- I. whereas Article 220(1) of the TFEU lays down that the Union must establish all appropriate forms of cooperation with the Council of Europe; whereas Article 6(2) of the TEU provides that the Union must accede to the ECHR;
- J. whereas in its Resolution 2430 (2022) entitled 'Beyond the Lisbon Treaty: strengthening the strategic partnership between the Council of Europe and the European Union', the PACE called for a renewed impetus towards strengthening the strategic partnership between the Council of Europe and the European Union;
- K. whereas in its Decision CM/Del/Dec(2022)132/4 on Co-operation between the Council of Europe and the European Union, the Committee of Ministers of the Council of Europe also called for cooperation with the European Union to be stepped up further in view of the many challenges currently facing Europe;
- L. whereas in June 2022 the Secretary-General of the Council of Europe set up a High-level Reflection Group in order to issue recommendations relating to the Council of Europe's role in responding to new challenges facing Europe and the world; whereas the Reflection Group issued recommendations on October 2022 recommending, for example, the strengthening of political dialogue between the Council of Europe and the European Union and that consideration be given to updating and reinforcing the 2007 MoU;
- M. whereas on 7 November 2022 the Committee of Ministers of the Council of Europe agreed to hold a Fourth Summit of Heads of State and Government of the Council of Europe Member States in Reykjavik, Iceland on 16 and 17 May 2023 involving representatives of the EU; whereas the issue of EU-CoE cooperation is expected to feature in the agenda of the summit, which will take place at an important moment and represents an opportunity to upgrade relations between the two organisations;
- N. whereas the EU remains the biggest donor to the Council of Europe technical cooperation activities, covering the EU enlargement region, the Eastern Partnership countries, the EU Member States, the Southern Mediterranean and Central Asia, as well as thematic areas; whereas in 2021 the global volume of the Council of Europe-EU joint

programme cooperation reached EUR 207.4 million; whereas joint cooperation programmes in the rule of law sector accounted for 54.7 % of the cumulative budget in 2021;

- O. whereas the financial volume of the joint programmes implemented in the EU Member States has continued to increase steadily in recent years due to the structured joint cooperation and technical support frameworks put in place under the EU's Structural Reform Support Programme and the Technical Support Instrument since 2019;
- P. whereas the Council of Europe Development Bank (CEB) is the oldest European multilateral development bank with an exclusively social mandate; whereas, in addition to cooperating with other international financial institutions and several United Nations specialised agencies, the CEB also regularly cooperates with the EU on common initiatives such as the Western Balkans Investment Framework, the Neighbourhood Investment Facility and the Eastern Europe Energy Efficiency and Environmental Partnership;
- Q. whereas the negotiations on the EU's accession to the ECHR, which were suspended following the CJEU's opinion of 18 December 2014 on the incompatibility with the EU treaties of the draft agreement on the EU's accession, were resumed in September 2020 and have reached the final stage;
- R. whereas the EU already relies to a great degree on the CoE for the monitoring and promotion of the rule of law in its present and future Member States; whereas information sources used by the Commission when establishing benchmarks to measure the situation of the rule of law and the functioning of judicial systems in the Member States include the Rule of Law Checklist of the European Commission for Democracy through Law (Venice Commission), reports commissioned from the CoE agencies by the EU, such as the annual study on the functioning of judicial systems commissioned by the EU from the European Commission for the Efficiency of Justice as part of the EU Justice Scoreboard and regular reports on topics linked to the rule of law drawn up by the CoE agencies, particularly on the independence of the judiciary and the fight against corruption;
- S. whereas Parliament has repeatedly called for the establishment of an EU mechanism on democracy, the rule of law and fundamental rights covering all aspects of Article 2 of the TEU; whereas the establishment of such a mechanism would create an opportunity for formalised, structured and comprehensive cooperation between the EU and the CoE on the defence of these values by means of a dedicated partnership agreement;
- T. whereas the Council of Europe has acquired extensive experience and expertise in intergovernmental cooperation and assistance activities in human rights, having established several human rights monitoring and control mechanisms and various respected human rights monitoring committees such as the European Committee of Social Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Commission against Racism and Intolerance, the Committee of Experts of the European Charter for Regional or Minority Languages, the Advisory Committee of the Framework Convention for the Protection of National Minorities and the Council of Europe Commissioner for Human Rights;

whereas the fact that the EU has not acceded to important CoE human rights conventions prevents it from being represented in their supervisory bodies;

- U. whereas the actions of the Venice Commission are based on the three main principles of European constitutional heritage: democracy, human rights and the rule of law; whereas the Venice Commission was established in 1990 in order to respond to the pressing need to assist Central and Eastern European countries in adopting new constitutions after the fall of the Berlin Wall; whereas the Venice Commission has played a very important role in the democratisation of Central and Eastern European states wishing to join the EU; whereas the opinions of the Commission enjoy great authority and are followed in the majority of cases; whereas the EU has strongly encouraged states which want to join the EU, as well as current Member States, to comply with its opinions;
- V. whereas the Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe of 2008 established a general cooperation framework, with the aim to develop joint projects in areas of mutual concern, for engaging in dialogue with stakeholders in order to improve respect for fundamental rights in Europe, coordinating communication activities to increase awareness on fundamental rights, informing each other about the results of each organisation's activities and exchanging data and consulting each other at operational level;
- W. whereas the annual reports on the cooperation between the European Union Agency for Fundamental Rights and the Council of Europe show the breadth and depth of the cooperation, ranging from consultations on specific projects and activities, regular data and information exchanges, participation in CoE Parliamentary Assembly hearings, participation in project inception meetings, joint projects and activities, the Agency's observer status in several CoE monitoring and intergovernmental committees, participation in respective civil society structures to mutual references to each other's work;
- X. whereas the establishment of a joint European Union Fundamental Rights Information System (EFRIS) brings together in one online space the human rights information from the Council of Europe, the United Nations and the EU, including, since 2022, the data, analysis and findings generated under the Framework Convention for the Protection of National Minorities (FCNM);
- Y. whereas a vital area of cooperation with the CoE should be fighting discrimination against and improving the rights of vulnerable people, such as women, people with disabilities, Roma, LGBTI+ people and elderly people, which are still not fully respected in the Member States;
- Z. whereas the Istanbul Convention, which entered into force on 1 August 2014, was signed by the EU on 12 June 2017 but has not yet been ratified; whereas all EU Member States have signed the Istanbul Convention, but only 21 have ratified it; whereas the EU's accession to the Convention does not exempt Member States from national ratification and the two processes should go hand in hand;
- AA. whereas the European Social Charter and the revised European Social Charter have been landmark instruments for the protection and enforcement of fundamental trade

union, workers' and social rights and the improvement of the working and living conditions of European citizens; whereas 22 EU Member States have ratified the original Charter and 22 Member States have also ratified the revised Charter;

- AB. whereas the CoE is the only pan-European intergovernmental organisation which offers legal instruments and mechanisms for protecting minorities across Europe; whereas the CoE's FCNM is the most comprehensive legally binding multilateral instrument to date designed to protect the rights of persons belonging to national minorities; whereas the monitoring process under the FCNM has a good reputation; whereas the recognition of the need to protect minorities through this dedicated instrument arose from the violent conflicts afflicting Europe in the 1990s; whereas the same preoccupation led to the adoption in 1993 of the Copenhagen criteria on respect for the rights of minorities in the context of the EU's enlargement policy; whereas minorities need a legal framework in the Union to guarantee and monitor their rights;
- AC. whereas the European Charter for Regional or Minority Languages (ECRML) is the only European convention for the protection and promotion of historical regional and minority languages in Europe; whereas the overriding aim of this instrument is to preserve minority and regional languages as an essential part of European cultural heritage;
- AD. whereas the EU has signed and ratified the Bern Convention on the Conservation of European Wildlife and Natural Habitats; whereas the Council of Europe, which hosts its Standing Committee, is shaping an appropriate legal framework for combating environmental crime; whereas the Committee of Ministers of the Council of Europe has recommended that Member States consider recognising the right to a clean, healthy and sustainable environment as a human right; whereas the global environmental and climate challenges that we are currently facing will be better tackled with joint actions and coordination between the EU and the CoE;
- AE. whereas the Council of Europe has invited the European Union to join its Enlarged Partial Agreement on Cultural Routes as soon as possible;
- AF. whereas the impact of the Council of Europe reaches beyond the European continent, as many of its conventions are open for global signature and several of its mechanisms extend around the world;
- AG. whereas the Statement of Intent for the Cooperation between the Council of Europe and the European Commission in the EU Enlargement Region and the Eastern Partnership and Southern Mediterranean Countries of 2014 established a strategic framework to help promote human rights, democracy and the rule of law in the EU Enlargement and Neighbourhood Regions based on the Council of Europe's binding international conventions, monitoring bodies and assistance programmes; whereas the joint programmes and partnership cooperation frameworks implemented in this framework are a crucial element of the Union's enlargement and neighbourhood policy;
- AH. whereas proposal 48 of the conclusions of the Conference on the Future of Europe underlines that minority and regional languages require additional protection, taking note of the Council of Europe Convention on Minority Languages and the FCNM;

- AI. whereas the parliamentary relations between both institutions have not yet exploited the full potential of the Agreement on the strengthening of cooperation between the PACE and Parliament and could be further enhanced;

Further strengthening of institutional relations

1. Acknowledges that the institutional relations between the EU and the CoE, as two organisations of equal international standing, have evolved significantly over time into a strategic partnership;
2. Considers it necessary to further strengthen the institutional cooperation between the EU and the CoE and give new impetus to bilateral cooperation in the promotion and defence of democracy, the rule of law and fundamental freedoms and human rights, including the rights of minorities;
3. Observes that the cooperation between the two international organisations has been increasing over the years, while there is still potential for more ‘inter-organisational cooperation’, since the EU, in line with the 2005 Guidelines on the Relations between the Council of Europe and the European Union, strives to transpose those aspects of Council of Europe conventions and other instruments into European Union Law where the Union has the respective competences;
4. Highlights the fact that as the EU has gradually transformed into a political union, the areas where the activities of the two organisations overlap and complement each other have increased in number; considers, therefore, that given the frequent overlapping of competences it is important to avoid duplication of work or diverging standards; considers it important in this regard to set up appropriate consultation channels between the European Union and the Council of Europe which would allow the coordination of normative work in an incipient phase, especially in the areas of the current or a future MoU;
5. Points out that institutional exchanges at all levels would be beneficial for both organisations, contribute to ensuring a balanced institutional relationship between the two organisations and enhance the visibility of the Council of Europe.

The EU’s accession to the ECHR and other forms of cooperation on fundamental rights

6. Recalls that the Treaty of Lisbon introduced a legal obligation for the EU to accede to the ECHR, enshrined in Article 6(2) TEU, and laid down the conditions for an agreement relating to this accession under the Protocol on Article 6(2) TEU; takes note of CJEU’s Opinion 2/13 on the draft agreement on the accession of the EU to the ECHR delivered on 18 December 2014;
7. Welcomes the Commission’s and the Council’s renewed commitment to the EU’s accession to the ECHR and the resumption of negotiations in 2020; reaffirms its strong commitment to and support for the EU’s accession to the ECHR⁹; calls on the

⁹ European Parliament resolution of 19 May 2010 on the institutional aspects of the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (OJ C 161E, 31.5.2011, p. 72).

negotiating parties to take all steps necessary and invest every effort into resolving the outstanding issues and addressing all of the CJEU's concerns expressed in its opinion 2/2013 of 18 December 2014 with a view to concluding negotiations successfully and ideally before the Fourth Summit of the Council of Europe that will take place on 16 and 17 May 2023 in Iceland; believes that these outstanding issues are complex but not insurmountable;

8. Underlines that the accession constitutes a priority objective for both organisations; stresses that the EU's accession to the ECHR would have numerous benefits, including strengthened coherence between EU law and the CoE conventions system and harmonisation in human rights legislation and case law between the EU and the CoE; stresses, moreover, that accession would place the EU under the jurisdiction of the European Court of Human Rights (ECtHR) and further strengthen the protection of EU citizens against the actions of the Union's institutions and bodies by allowing individuals to bring cases against the EU directly before the ECtHR; stresses that EU accession to the ECHR would establish an indispensable external mechanism to ensure respect of human rights and full compliance with the rule of law on the part of the EU and its institutions;
9. Emphasises that as a result of accession, the EU's role in the convention system will become more prominent as it will include a proportionate contribution to the budget of the Council of Europe, the nomination of candidates as judges to the ECtHR, the participation of a delegation of the European Parliament in PACE sittings related to the election of judges to the ECtHR and representation on the Committee of Ministers when supervising the implementation of ECtHR judgments;
10. Welcomes the valuable contributions that the ECHR and ECtHR case law has brought to the defence and promotion of the rule of law and fundamental rights in the EU; calls for close and improved judicial cooperation between the ECtHR and the CJEU, as well as further harmonisation between the convention system and EU law; is concerned by the level of non-implementation of ECtHR judgments, which has a negative effect on the rule of law and weakens the Union's external action in terms of human rights, particularly with regard to non-EU members of the Council of Europe; calls on all Member States to ensure compliance with the ECHR and all case law established by the ECtHR; calls on the Commission to monitor more closely compliance by EU Member States with the judgments of the ECtHR and apply in this respect relevant tools such as the Rule of Law Mechanism and, where applicable, the Rule of Law Conditionality Regulation; commits to further assessing how to ensure better compliance of the Member States with ECtHR case law within the current and future political and legal framework of the EU, including the option of treaty change;
11. Recalls the pertinence of the promising cooperation between the European Union Agency for Fundamental Rights and the CoE, as exemplified in the 2022 report on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe, in the pursuit of common objectives and strategic priorities related to promoting and protecting human rights, including the need to avoid duplication and ensure complementarity between the work of the FRA and the CoE;
12. Is of the opinion that it is useful both for the Council of Europe and the FRA to further

expand their relationship, for example, by expanding the Council of Europe conventions covered by EFRIS and by inviting the FRA to contribute to the work of the Venice Commission;

13. Calls on the Commission to work closely with the Council of Europe in the area of artificial intelligence and new digital technologies, including their appropriate use by law enforcement agencies and their impact on human rights, the rule of law and democracy;
14. Calls on the Commission to enhance cooperation and complementarity on all human-rights related areas where the Council of Europe has developed substantial activity, such as anti-discrimination, the fight against trafficking in human beings, migration, justice and equality;

The EU's accession to other CoE conventions and involvement in CoE bodies and associated agencies

15. Advocates the EU's broadest possible alignment with the CoE convention system through the finalisation of its accession to other CoE treaties it has already signed, such as the Istanbul Convention, and working towards accession to other treaties to which it is not yet a party, such as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Lanzarote Convention, the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption; calls on the Commission and the Member States to make progress with regard to the accession by the European Union to the revised European Social Charter and to propose a clear timeframe for achieving that objective; is convinced that the EU's accession to these conventions will increase its effectiveness in the areas covered and promote synergies and facilitate cooperation between the two organisations;
16. Welcomes the fact that the overwhelming majority of conventions negotiated within the Council of Europe enable the EU to accede to them and stresses the fact that the EU itself has played a key role in the negotiation of these conventions;
17. Welcomes the EU's signature of the Istanbul Convention on 13 June 2017; emphasises that the EU's accession to the Convention will provide a coherent European legal framework for the EU's internal and external policies to prevent and combat violence against women and gender-based violence and to protect and support victims; underlines the fact that the EU's accession would allow for better monitoring, interpretation and implementation of EU laws, programmes and funds relevant to the Convention, together with better collection of comparable disaggregated data at EU level; urges the Council to step up discussions and procedures in order to ensure the EU's swift ratification of the Istanbul Convention, which requires only a qualified majority in the Council; calls on the Commission and the Council to ensure that Parliament will be fully involved in the Convention's monitoring process after EU accession; strongly encourages the six remaining Member States which have not yet ratified the Istanbul Convention also to do so without delay;
18. Underlines that accession to certain CoE treaties would allow the EU to play an active role in CoE bodies, facilitate EU-CoE coordination and in certain cases allow the CoE bodies' activities to cover EU bodies and agencies; considers that this could further

improve partnerships and synergies between the respective organisations while avoiding overlaps in their fields of action; reiterates its call for the European Union to become a full member of the Group of States against Corruption, in which the EU has held observer status since 2019; calls on the Commission to assess the possibility of the EU's full integration into the European Commission for the Efficiency of Justice, the European Commission against Racism and Intolerance (ECRI), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, the Group of Experts on Violence against Women and Domestic Violence and the Committee for the Prevention of Torture as soon as possible and to keep Parliament up to date on the progress of this evaluation;

19. Highlights the particular importance of close cooperation with the Council of Europe in the fight against child sexual exploitation and sexual abuse; stresses the importance of the Lanzarote Convention as the first international treaty that addresses child sexual abuse that occurs within the home or family and which is open to accession by any state in the world, thereby increasing the effectiveness of the fight against this crime at international level; believes that the EU should finalise its accession to this Convention as swiftly as possible;
20. Reiterates the importance of cooperation in criminal matters, such as the fight against human trafficking and terrorism;
21. Considers it necessary to further strengthen cooperation in the area of human rights linked to environmental protection and fighting environmental crime;

Review of the legal cooperation framework

22. Considers that the existing framework for cooperation between the EU and the CoE should be reviewed in order to take stock of the changes brought by the Lisbon Treaty and the evolving relations between the two organisations; suggests, in this regard, revisiting the 2007 Memorandum of Understanding, analysing what areas of cooperation were successful and where cooperation should be reinforced and extended, with a view to upgrading it into the main legal instrument coordinating EU-CoE cooperation in a comprehensive way; proposes, furthermore, complementing the Memorandum with agreements for action on specific issues;
23. Welcomes the reflection process on the part of the Committee of Ministers and of the PACE on the further strengthening of concertation, coordination, political dialogue and technical cooperation with the European Union, putting an emphasis on issues relating to democracy, security and the rule of law;
24. Expects that based on this process, as well as on the work of the High-level Reflection Group of the Council of Europe, the Fourth Summit of Heads of State and Government of the Council of Europe member states in Reykjavik, Iceland, on 16 and 17 May 2023 will also present clear conclusions on the future cooperation and relationship between the CoE and the EU;
25. Supports the holding of the Fourth Summit of Heads of State and Government of the Council of Europe and calls on the CoE Secretariat to invite representatives of the European Union to attend with observer status; calls on the European Council to involve

the Council of Europe in the preparation of European Political Community summits;

Partnership on the mechanism on democracy, the rule of law and fundamental rights

26. Reiterates its position¹⁰ on the need to establish a mechanism on democracy, the rule of law and fundamental rights covering all the values set out in Article 2 TEU; stresses that this should draw on the experience and expertise of the CoE; recalls that Parliament also expressed the need to closely involve the CoE and its relevant bodies in this mechanism, including through a more structured partnership, in its resolutions on the Commission's Rule of Law Reports for 2020 and 2021 of 24 June 2021 and 19 May 2022;
27. Is of the opinion, given this, that the EU and the CoE should establish a dedicated agreement on the mechanism on democracy, the rule of law and fundamental rights covering all the values set out in Article 2 TEU;
28. Stresses that the EU should draw on the extensive expertise and recognised processes of the CoE bodies on human rights, fundamental freedoms, the rights of persons belonging to minorities, the fight against corruption and improving judiciary processes; points out that given the extended cooperation on the rule of law and the extensive reliance by the EU on CoE benchmarks, existing cooperation should be more formalised and structured, thereby ensuring better cooperation and increased visibility for the activities of the Council of Europe;
29. Recognises the important work and expertise of the Venice Commission in improving the functioning of democratic institutions and respect for fundamental rights, the functioning of justice systems and conduct of elections and referendums; encourages further cooperation between the EU and the Venice Commission, including in the context of the enlargement process;
30. Recalls that during the process of evaluating candidate countries' progress towards accession on the basis of the Copenhagen criteria, the Commission's systematic monitoring in candidate countries has relied to a great extent on the standards developed by the CoE, including through the expertise and the opinions published by the Venice Commission;
31. Recalls that the EU considers candidate countries' implementation of the FCNM an important element in the accession criteria for minority protection and acknowledges the important role which the FCNM has played in the European integration process; stresses that the FCNM should continue to be a major reference for the democratic life of the Union; firmly believes that for reasons of consistency, the maintenance and fostering of democratic standards, as well as commitment to minority protection as an EU-wide common general principle of law, the European Union should incorporate the standards of the FCNM into its monitoring of the rule of law and fundamental rights in the EU; underlines that reinforced cooperation in the area of minority rights would likely result in increased compliance with CoE standards and recommendations, but

¹⁰ European Parliament resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights (OJ C 215, 19.6.2018, p. 162) and European Parliament resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights (OJ C 395, 29.9.2021, p. 2).

would also allow for better targeted funding, including in the context of enlargement or post-conflict reconstruction;

32. Reiterates, therefore, its call for the European Union to accede to the FCNM and the ECRML¹¹ and calls for closer legal ties between the EU and the CoE on minority rights, not least in view of the enlargement process for the Western Balkans, Turkey, Ukraine, Moldova and Georgia;
33. Calls for strategic and well-coordinated collaboration between the EU and the CoE to tackle the widespread and severe exclusion, discrimination and poverty which Roma face in Europe and for increased synergies between activities carried out under the Council of Europe Strategic Action Plan for Roma and Traveller Inclusion (2020-2025) and the 2020-2030 EU Roma Strategic Framework;
34. Calls for the strengthening of institutional cooperation between the EU and the CoE on gender equality and women's rights, tackling discrimination against LGBTI+ people and gender-based violence;
35. Notes that both the EU and the CoE should continue cooperating on matters linked to supporting the work of journalists, protecting media freedom and countering hate speech and the manipulative spread of disinformation and foreign and domestic interference in electoral processes; believes that the EU should build upon the good work of the Platform for the Protection of Journalism and Safety of Journalists and closely cooperate with the Steering Committee on Media and Information Society; stresses the importance of fostering a favourable environment for freedom of expression in Europe, both offline and online, in accordance with the Council of Europe recommendation of 7 March 2018 on media pluralism and transparency of media ownership;
36. Considers it necessary to improve the institutional cooperation between the EU and the CoE in further promoting local and regional democracy as well as regional and cross-border cooperation;

Cooperation in education, culture and linguistic diversity

37. Points out that Articles 165(3) and 167(3) TFEU expressly give the EU a mandate to establish all appropriate forms of cooperation with the CoE in education, sport and culture; recalls the remarkable work undertaken by the Council of Europe's institutions, which should serve as the foundations for the EU's projects in this area;
38. Stressing the importance of education in cementing a culture of respect for human rights, democracy and the rule of law in our societies; welcomes the important work of the Council of Europe through its Reference Framework of Competences for Democratic Culture; calls for the EU to increase its engagement with the CoE in this area; calls for a common frame of reference for establishing civic education, focusing on democracy, the rule of law and human rights;

¹¹ European Parliament resolution of 13 November 2018 on minimum standards for minorities in the EU (OJ C 363, 28.10.2020, p. 13).

39. Welcomes the success of the Common European Framework of Reference for Languages, which has become an essential tool for assessing language proficiency;
40. Recalls that, along with respect for cultural and religious diversity, respect for linguistic diversity is a fundamental value of the EU as laid down in Article 22 of the Charter of Fundamental Rights of the European Union and Article 3 TEU; recalls also that the EU is tasked to support the Member States in the teaching and dissemination of their languages (Article 165(2) TFEU) and that it has an obligation to respect, safeguard and enhance cultural and linguistic diversity (Article 167(1) TFEU); stresses that the bodies of the Council of Europe could be extremely useful in this pursuit;
41. Stresses the importance of cooperation, in particular in promoting and protecting regional and minority languages and cultures, and points out that the Union cannot effectively pursue this aim without proper coordination with the CoE bodies; highlights that the most relevant monitoring in Europe in this area is carried out under the ECRML, which is the key Europe-wide legal frame of reference and which promotes the use of minority languages in private and public life as well as their teaching at various levels, including through immersion, with a view to guaranteeing their transmission;
42. Stresses that the Commission should take account of this monitoring when determining aims, financial guidelines and priorities; stresses also that to that end there should be regular consultation between the appropriate Commission and CoE departments; believes that stronger cooperation between the Commission and the Committee of Experts of the ECRML would allow for better horizontal identification of EU-wide problem areas affecting several countries, as well as for finding possible remedies with EU support;
43. Reiterates its call¹² on the Commission and the Council to strengthen cooperation with the Council of Europe with a view to promoting the fundamental values of cultural diversity, intercultural dialogue and the sustainable territorial development of lesser-known destinations, while preserving, protecting and rehabilitating the cultural and natural heritage of these sites; calls on the Commission to consider the EU joining the Council of Europe's Enlarged Partial Agreement on Cultural Routes; calls on the Commission and the Member States to continue the work to identify and map, including in digital format, the Caminos de Santiago and other European Cultural Routes of the Council of Europe and to mark the routes to Santiago de Compostela passing through the European continent with the symbols suggested by the Council of Europe;

External Action

44. Stresses the importance of strengthening coherence and complementarity in EU external human rights action through increased coordination between the EU, the CoE and the Organization for Security and Co-operation in Europe (OSCE);
45. Welcomes the inclusion in the EU 2020-2024 Action Plan on Human Rights and Democracy of the establishment of a partnership with the CoE to ensure universal

¹² European Parliament resolution of 14 December 2022 on the implementation of the New European Agenda for Culture and the EU Strategy for International Cultural Relations (Texts adopted, P9_TA(2022)0444).

respect for the obligations arising from international instruments to prevent and address violence against women and girls, as well as the promotion of accession to the Council of Europe Convention on Data Protection;

46. Calls for the EU and the European Investment Bank to enhance formalised cooperation with the Council of Europe Development Bank in offering immediate and long-term assistance to displaced persons and refugees and in supporting the implementation of national Roma integration strategies;
47. Encourages cooperation between the EU and the CoE on matters linked to war accountability, justice and reconstruction following the unjustified, unprovoked and illegal Russian war of aggression against Ukraine;

EU enlargement

48. Underlines that the CoE is an important partner in the EU's enlargement process since it cooperates with the EU in supporting candidate and potential candidate countries in carrying out reforms and helping them meet the EU accession criteria on the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities and monitoring progress in these areas; believes that cooperation between the EU and the Council of Europe in the area of enlargement should be further strengthened in order to become more formal, structured and systematic;
49. Points out the importance of the Venice Commission in the provision of assistance in the reform of judicial, governance and electoral processes in the candidate and potential candidate countries; stresses that the EU should ensure without fail that accession candidate countries comply with all its recommendations on their path towards membership;

Parliamentary cooperation

50. Recognises the importance of the PACE as its partner, which has inspired many of the CoE conventions that have laid the legal foundations for the protection of human rights in Europe and beyond (including the ECHR) and which continues to play an important role in upholding democracy and fundamental rights by scrutinising other organisations and supporting Member States in complying with human rights standards;
51. Welcomes, in that regard, the effective cooperation of the parliamentary assemblies of the OSCE and the Council of Europe with the European Parliament in election observation missions;
52. Acknowledges the fundamental work undertaken by the Assembly, which deserves to be brought to the public's attention and has earned the respect of the European Union;
53. Welcomes the CoE Parliamentary Assembly's call¹³ for:

¹³ Resolution of the Parliamentary Assembly of the Council of Europe 2430 (2022) entitled 'Beyond the Lisbon Treaty: strengthening the strategic partnership between the Council of Europe and the European Union'.

- a) the organisation of regular meetings between the respective Presidents, Secretaries-General and Chairpersons of committees and between the Presidential Committee of the Parliamentary Assembly of the CoE and the Conference of Presidents of the European Parliament;
 - b) the organisation of joint meetings and joint events at the level of committees and/or European Parliament delegations for relations with non-EU states;
 - c) the mutual invitation of rapporteurs to provide input into each other's work;
 - d) the strengthening of dialogue and coordination with the PACE in areas which have emerged as prominent challenges for European societies;
54. Concludes that, in view of the rising importance of the parliamentary democracy provided for by the Lisbon Treaty, the parliamentary cooperation between the EU and the CoE could be deepened and, on the basis of rules 223 and 225 of its Rules of Procedure, proposes the establishment of an interparliamentary delegation for strengthened cooperation in order to improve law-making in the shared fields of activity, to raise awareness, to provide for an exchange on each other's activities and functioning and to contribute to a more systematic dissemination of information and a more structured and regular dialogue;
55. Calls on the Commission to initiate a revision of the 2007 Memorandum of Understanding in order to take account of the new competencies the EU gained with the entry into force of the Lisbon Treaty, as well as to formalise the strategic partnership of cooperation that has been consolidated between the two institutions, in particular in the rule of law, democracy and fundamental rights, including the rights of minorities; expresses its position that this strategic document should also be made operational and complemented by the adoption of additional agreements for joint action on specific issues between various EU and CoE bodies;
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- ◦
56. Instructs its President to forward this resolution to the Council, the Commission, the European Union Agency for Fundamental Rights and the Council of Europe.

EXPLANATORY STATEMENT

In 2022 the European Union (EU) celebrates the 15th anniversary of the signing of the Lisbon Treaty, which imposed a legal obligation on the EU to accede to the ECHR. It also marks the 15th anniversary of the signing of the Memorandum of Understanding between the EU and the CoE. These anniversaries provide a good opportunity to reflect on the state of mutual relations between the two institutions, with a view to identifying further opportunities for strengthening cooperation.

By means of this resolution, the European Parliament aims to take stock of the institutional relations between the EU and the CoE, which have been evolving for more than 65 years and have developed considerably since the signing of the 2007 Memorandum of Understanding and the entry into force of the Lisbon Treaty in 2009.

Legal framework for cooperation between the European Union and the Council of Europe.

The legal basis for cooperation between the EU and the CoE is the Treaty of Lisbon. Article 220(1) of the TFEU stipulates that the Union must establish all appropriate forms of cooperation with the Council of Europe. Moreover, Articles 165(1) and 167(3) of the TFEU aim at fostering this cooperation in education, sport and culture. The Treaty of Lisbon also imposed a legal obligation on the EU to accede to the ECHR under Article 6(2) of the TEU and lays down the conditions for an agreement relating to this accession under the Protocol on Article 6(2) of the TEU. Furthermore, under Article 6(3) of the TEU, the Lisbon Treaty recognised fundamental rights as guaranteed by the ECHR as general principles of Union law.

In substance, the cooperation between the EU and the CoE is governed by the provisions of the CoE conventions to which the EU has acceded. So far, the EU has ratified 13 and signed a further 4 out of the 22 CoE conventions that were open to it. The most important is the European Convention for the Protection of Human Rights and Fundamental Freedoms. The EU's accession to this convention is still under negotiation.

At operational level, the partnership between the EU and the CoE is framed mainly by the Memorandum of Understanding of 11 May 2007, which sets out general arrangements for strengthened cooperation between the two institutions in priority areas and is based on the three pillars of political dialogue, legal cooperation and joint cooperation projects and programmes.

The Memorandum of Understanding is complemented by several specific bilateral agreements, which include the Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights of 2018 and the Statement of Intent between the Council of Europe and the European Commission of 2014 laying down the foundations for cooperation in the EU enlargement and neighbourhood regions.

At parliamentary level, relations between the European Parliament and the PACE are set out in Rule 225 of Parliament's Rules of Procedure and Rule 66 of the PACE's Rules of Procedure, which have given rise to the Agreement on the strengthening of cooperation between the PACE and Parliament of 28 November 2007. This agreement sets out a number

of general objectives for cooperation and proposes measures for achieving them.

The priorities for cooperation are also defined individually by the governing bodies of the EU and the CoE. This Parliament resolution, as well as PACE resolution 2430 (2022) entitled ‘Beyond the Lisbon Treaty: strengthening the strategic partnership between the Council of Europe and the European Union’ are examples of documents defining these priorities, as are the Council conclusions on EU priorities for cooperation with the Council of Europe, which have been adopted every two years since 2012.

Current state of institutional relations between the EU and the CoE.

Relations between the EU and the CoE are based on the shared values of human dignity, equality and respect for human rights. The CoE, its conventions system and the European Court of Human Rights remain the principal instruments for the EU to defend human rights in Europe. While cooperation between the EU and the CoE has been a constant feature of the history of the two organisations, the areas where their interests overlap, as well as their interaction, have increased significantly as the Union has gradually transformed from what was originally an economic and trade body into a values-based political union. Although more formal links between the two organisations started to develop through joint efforts to spread democracy in Central and Eastern European countries after 1989, their cooperation only gained a solid formal footing with the signature of the 2007 Memorandum of Understanding.

Their institutional cooperation is based on the three pillars set out in the Memorandum of Understanding:

1. Political dialogue (high-level consultations for coordinating positions and policies between the heads of the governing bodies of the two organisations and Members of Parliament and the PACE);
2. Legal cooperation (between the EU and the CoE monitoring and advisory bodies, which in recent years has mainly concentrated on the expertise of the Venice Commission and the Group of States against Corruption); and
3. Cooperation projects (joint programmes aimed at promoting respect for human rights, democracy and the rule of law, which are funded by the EU and implemented by the CoE).

The EU is the biggest donor for implementing CoE programmes on democracy, human rights and the rule of law. In 2021, the global volume of EU-CoE joint programme cooperation reached EUR 207.4 million, with the annual receipts for these programmes accounting for 57 % of the annual receipts from all extra-budgetary resources.

The most significant aspects of the institutional relations between the EU and the CoE from Parliament’s point of view are:

- Democratic dialogue

Cooperation between the EU and the CoE on defending and promoting their shared values in human rights, democracy and the rule of law in Europe has intensified in the past few years. It has mainly taken the form of the CoE bodies providing the EU institutions with expertise and

instruments to monitor and evaluate the rule of law in the EU. The Commission's 2020 and subsequent reports on the rule of law and the European Parliament resolution of the same year on the establishment of a Mechanism on Democracy, Fundamental Rights and the Rule of Law might give fresh impetus to the EU-CoE democratic dialogue.

- EU accession to the European Convention on Human Rights

The EU's accession to the ECHR is not only a desirable objective but also a legal obligation stemming from the treaties and constitutes a priority for both organisations. Since the adoption of its resolution of 19 May 2010 on the institutional aspects of accession to the ECHR, Parliament has, on numerous occasions, reiterated the importance of speeding up the process. Accession negotiations resumed in September 2020, after having stalled following the CJEU's adoption of negative opinion 2/2013 of 18 December 2014. This opinion raised objections on the grounds that the agreement did not provide for the sufficient protection of the autonomy of EU law, the EU's specific legal arrangements and the Court's exclusive jurisdiction. Negotiations are, however, in their final stage and the overwhelming majority of the issues identified by the CJEU have already been addressed. The outstanding issues currently under negotiation are the judicial review of the common foreign and security policy (arising from the CJEU opinion) and the matters covered by Article 7 of the draft agreement on the accession of the EU to the ECHR, which are unrelated to the CJEU opinion.

- Relations between parliamentary assemblies

For Parliament, the Council of Europe and its Parliamentary Assembly are natural allies in monitoring and promoting human rights, democracy and the rule of law on the European continent. Political dialogue between the two assemblies and their governing bodies takes place regularly. At administrative level, the European Centre for Parliamentary Research and Documentation, established in 1977, successfully promotes the exchange of information, ideas, experience and good practice among parliament administrations in Europe. However, mutual relations have not yet fully exploited the 'Agreement on strengthening cooperation between Parliament and the PACE'. This was highlighted in the recent PACE resolution of 26 April 2022 entitled 'Beyond the Lisbon Treaty: strengthening the strategic partnership between the Council of Europe and the European Union'.

Further avenues for strengthening institutional cooperation between the two institutions.

Institutional relations between the EU and the CoE need to be further strengthened in view of persisting challenges to human rights, democracy and the rule of law, including the effects of Russia's aggression against Ukraine. Strengthening relations would also improve coordination, increase synergies and prevent the duplication of work.

Key to enhancing these relations is the completion of the EU's accession to the ECHR. This would represent an important step in the democratic life of the EU, as it would add an external control by the European Court of Human Rights (ECtHR) to the EU's internal control mechanism for defending the rule of law. It would also limit the possibility of conflicting case law on human rights between the CJEU and the ECtHR.

EU-CoE cooperation in defending democracy, the rule of law and fundamental rights could also be significantly improved. Parliament has for a long time advocated the extension of the

EU's monitoring of the rule of law to cover all of the EU's values as set out in Article 2 of the TEU. While the Commission already relies heavily on the benchmarks developed and the monitoring activity carried out by the CoE on the rule of law and the functioning of the judicial system, it should also draw on the expertise and processes of the CoE bodies in human rights, including minority rights.

While the EU definitely needs to improve its expertise and benchmarks in minority rights, a sensible and desirable option would be to build on the efforts already undertaken by the CoE, which has developed the most comprehensive standards and monitoring system in Europe.

When assessing the compliance of the EU and its Member States with the values set out in Article 2 of the TEU concerning minority protection, the Union should use the standards established by the CoE, in particular those developed through the implementation of the FCNM. In its enlargement and neighbourhood policy, the Union has already been relying extensively on the CoE's expertise (alongside that of the Organisation for Security and Cooperation in Europe) in order to foster the rule of law and minority protection in the Member States. This proved successful during the 'post-Iron Curtain' accession process. Building on this positive experience, acceding to the FCNM in the areas of EU competence, intensifying institutional dialogue between the parties and formalising interinstitutional links on minority rights would be beneficial not only for the EU, but also for the CoE, which would gain from the political visibility and the political backing provided by the EU.

Similarly, it is important for the EU to accede to other CoE treaties, such as the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), the European Social Charter, the European Committee on Social Rights and the Convention against Torture and Inhuman and Degrading Treatment or Punishment. This would increase the EU's legitimacy, and the presence of EU representatives on supervisory bodies for these treaties would further strengthen cooperation between the two organisations and help achieve the treaties' goals.

Existing cooperation and synergies should also be strengthened in education, sport and culture, where there are many important areas of cooperation which could be explored further. An area of particular relevance for the EU's cultural and linguistic diversity is the ECRML, which focuses on preserving minority and regional languages as a part of Europe's cultural heritage. Although the EU has clear competences to support Member States in the teaching and dissemination of the Member States' languages (Article 165(2) of the TFEU) and has an obligation to respect, safeguard and enhance cultural and linguistic diversity, it has not yet made use of the extensive expertise within the ECRML when developing its policies and actions. Parliament has for a long time advocated meaningful action to protect regional and minority languages and has identified the ECRML as the main benchmark in this area. In the light of a sharp decline in regional and minority languages, as attested, for example, by the UN Educational, Scientific and Cultural Organization (UNESCO), the EU should engage more in this area and establish institutional ties with the Committee of Experts of the ECRML in order to develop its own objectives, policies and programmes.

To further guide relations between the EU and the CoE, the 2007 Memorandum of Understanding should be revised in order to take account of the Lisbon Treaty, as well as to formalise the strategic partnership of cooperation which the two institutions have consolidated since it was signed in 2007, in particular on the rule of law, democracy, fundamental rights

and the rights of minorities. Furthermore, this document, which is general in character, could be acted upon and complemented by the adoption of additional agreements for joint action on specific issues.

There is also room for improvement of EU-CoE relations at parliamentary level following the increased importance of parliamentary democracy provided for by the Lisbon Treaty. Raising awareness of each other's activities and functioning and more systematic dissemination of information could enhance cooperation. This could be complemented by more structured and regular contact between the governing bodies, the committees and the administration of both Parliament and the PACE.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	28.2.2023
Result of final vote	+ : 22 - : 0 0 : 3
Members present for the final vote	Gerolf Annemans, Gabriele Bischoff, Damian Boeselager, Leila Chaibi, Włodzimierz Cimoszewicz, Gwendoline Delbos-Corfield, Salvatore De Meo, Esteban González Pons, Max Orville, Giuliano Pisapia, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Pedro Silva Pereira, Sven Simon, Loránt Vincze, Rainer Wieland
Substitutes present for the final vote	Pascal Durand, Jaak Madison, Niklas Nienaß, Maite Pagazaurtundúa
Substitutes under Rule 209(7) present for the final vote	Álvaro Amaro, Giuseppe Ferrandino, Vlad Gheorghe, Chris MacManus, Nadine Morano

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

22	+
PPE	Álvaro Amaro, Salvatore De Meo, Esteban González Pons, Nadine Morano, Sven Simon, Loránt Vincze, Rainer Wieland
Renew	Giuseppe Ferrandino, Vlad Gheorghe, Max Orville, Maite Pagazaurtundúa
S&D	Gabriele Bischoff, Włodzimierz Cimoszewicz, Pascal Durand, Giuliano Pisapia, Domènec Ruiz Devesa, Pedro Silva Pereira
The Left	Leila Chaibi, Chris MacManus
Verts/ALE	Damian Boeselager, Gwendoline Delbos-Corfield, Niklas Nienäß

0	-

3	0
ID	Gerolf Annemans, Jaak Madison, Antonio Maria Rinaldi

Key to symbols:

+ : in favour

- : against

0 : abstention