

## Folketinget – Europarådet

Christiansborg, den 12. december 2006

Til

delegationens medlemmer og stedfortrædere.

### **Opfølgning på det 3. topmøde**

Vedlagt omdeles brev af 4. oktober 2006 fra René van der Linden, præsident for Den Parlamentariske Forsamling, med 4 punkter til opfølgning fra det 3. topmøde i maj 2005.

Delegationsformanden har i brev af d.d. bedt om udenrigsministerens kommentarer til disse 4 punkter, ligesom ambassadøren i Strasbourg er orienteret om henvendelsen – begge breve ligeledes vedlagt.

Det er hensigten at sætte henvendelsen fra René van der Linden samt udenrigsministerens kommentarer hertil på dagsordenen til drøftelse på et delegationsmøde umiddelbart før og/eller under sessionen i Strasbourg til januar.

Med venlig hilsen

Mette Vestergaard,  
delegationssekretær.



*Council of Europe*  
*Parliamentary Assembly*

KOPI

*The President*

Strasbourg, 4 October 2006

Dear Chairperson,

I am writing concerning the follow-up being given to the Third Council of Europe Summit that took place in Warsaw almost 18 months ago.

The Summit was an important opportunity to clarify and reinforce the position of the Council of Europe, in particular in relation to a European Union that continues to expand in size and ambition. Progress since then, however, has been unsatisfactory. I therefore urgently seek your support on four points.

1. Negotiations on the memorandum of understanding between the Council of Europe and the European Union have stalled. It is essential that agreement is reached on a text that effectively enshrines and reinforces the position and role of the Council of Europe within the European institutional architecture.

2. Concrete follow-up to the recommendations of the Juncker report is long overdue. There is not even agreement on the preliminary matter of composition of the high-level group. The momentum that was generated by the Assembly's April debate now risks being lost.

3. The proposals for an EU Fundamental Rights Agency, currently before the EU Council and European Parliament, still do not reflect the Assembly's most basic concerns regarding the avoidance of duplication of Council of Europe activities. The most important points include the Agency's geographical scope, limitation of its mandate to European Community law and representation of the Council of Europe, with full voting rights, on all statutory bodies, including the newly conceived Scientific Committee.

4. Debate on the 2007 budget is at a standstill. Of particular concern is the proposal that increased resources for the Court be financed, in part if not in whole, by reducing the resources available to other sectors. Every support should therefore be given to the Secretary General's more positive recommendations.

I understand that some of these issues, although politically important, are rather technical. I have accordingly appended a supplementary document explaining their significance.

These are without doubt or exaggeration four points of fundamental importance to the future existence of the Council of Europe. **I therefore urge you to meet both your country's permanent representative in Strasbourg and your foreign minister at home**, with a view to ensuring that rapid progress is made on these issues in accordance with the best interests of the Council of Europe.

Yours sincerely,

René van der Linden

Mrs Hanne SEVERINSEN  
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to the Parliamentary Assembly  
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## Appendix

1. The memorandum of understanding was intended by the Third Summit to reinforce the leading role of the Council of Europe in the area of its core activities by providing a strategic basis for cooperation and coordinating joint activities on issues of common interest. Long experience shows that unless a clear framework is agreed, the EU, with its incomparably greater financial resources, will continue to develop new activities and competences. EU initiatives such as the Neighbourhood Policy and the Fundamental Rights Agency are recent examples of this.

Although the Committee of Ministers has now been discussing a draft memorandum of understanding for almost a year, agreement still appears to be remote. One of the greatest obstacles to progress has been the fact that the EU member and acceding States are acting as a unitary bloc and do not seem to be promoting the interests of the Council of Europe. The EU bloc recently tabled an alternative document to the Chairmanship's draft that had been under discussion over the summer. The essentially non-binding EU text does not take into account the amendments I had proposed on behalf of the Assembly in June and is thus weaker than required.

2. Follow-up to the Juncker report, published six months ago, also requires new impetus. Whilst some progress has been made in locating the primary institutional responsibility for implementing its various provisions, there is now an urgent need for concrete action. The Committee of Ministers had foreseen that this would take place through a high-level group at ministerial level with the participation of the President of the Assembly. Even the question of composition of this group, which should be a straightforward practical matter, however, is being blocked from within the EU.

3. The EU is continuing to pursue its proposals for a Fundamental Rights Agency. Despite the repeated interventions of the Assembly, neither the draft text currently being discussed by the EU Council nor the amendments being proposed in the European Parliament meet our most basic requirements for an Agency that will not duplicate activities already undertaken by the Council of Europe. These include:

- limiting the geographical scope of the Agency to EU territory;
- limiting its mandate to elaboration and implementation of European Community law;
- an explicit operative provision excluding duplication of Council of Europe activities;
- participation of a Council of Europe representative on all management bodies – including the newly-proposed Scientific Committee – with full voting rights.

4. Debate on the Council of Europe budget for 2007 is at a standstill. I fully support the declaration made by the Committee on Economic Affairs on 18 September, in which they expressed serious concern and called on the Committee of Ministers to:

- approve the Secretary General's priorities for the 2007 draft budget and programme of activities;
- support the enhancement of resources for the Court, without weakening other sectors of the organisation;
- finance the Court's additional needs without corresponding cuts in financing for other sectors, as recommended by the Secretary General;
- determine member States' contributions for 2007 on this basis.



Udenrigsminister Per Stig Møller  
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### Opfølgning på Europarådets 3. topmøde

Kære udenrigsminister

I oktober modtog jeg vedlagte brev med bilag fra René van der Linden, præsident for Europarådets Parlamentariske Forsamling, med opfordring til at drøfte indholdet med dig.

I den anledning vil jeg gerne modtage dine kommentarer til de 4 punkter, som er nævnt i brevet.

Med henblik på at kunne drøfte henvendelsen fra René van der Linden og dine kommentarer hertil i delegationen inden Den Parlamentariske Forsamlings session i januar, vil jeg sætte stor pris på at høre fra dig inden den 15. januar 2007.

Med venlig hilsen

A handwritten signature in black ink, appearing to read "Hanne Severinsen".

Hanne Severinsen  
delegationsformand



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12. december 2006

Ref. 05-001773-43

### Opfølgning på det 3. topmøde

Kære Christian Oldenburg

Efter aftale med Hanne Severinsen sender jeg vedlagt kopi af brev af 4. oktober 2006 med bilag fra René van der Linden, præsident for Den Parlamentariske Forsamling, vedr. opfølgning på det 3. topmøde.

Ligeledes vedlægger jeg kopi af det brev, som Hanne Severinsen i dag har sendt til udenrigsministeren om sagen.

En drøftelse med dig, således som brevet lægger op til, vil jo først være praktisk mulig i forbindelse med Den Parlamentariske Forsamlings session i januar. Forhåbentlig foreligger udenrigsministerens kommentarer inden da, så sagen kan sættes på dagsordenen for delegationsmødet med henblik på en samlet drøftelse.

Med venlig hilsen

Mette Vestergaard