

25 May 2010

Annual meeting of Senior Officials of the  
**European Union and the Council of Europe**  
under the Joint Declaration on Co-operation and Partnership

Strasbourg, 16 December 2009

**REPORT**

**1. Adoption of agenda**

The draft agenda was adopted.

**2. Exchange of views on important developments and perspectives for future co-operation**

Introductory statements

The Council of Europe (CoE) Senior Official, Mr Taubner, welcomed the fact that the trend of intensification of relations between the organisations, on the basis of the Memorandum of Understanding (MoU), had continued in 2009. The implementation of this document resulted in more frequent contacts and cooperation. In particular, the election of the new CoE Secretary General (SG) and his recent meetings with the President the European Commission, the High Representative for Foreign and Security Policy (HR) and the Commissioner for Information Society and Media had notably contributed to this intensification. The entry into force of the Lisbon Treaty, which extended EU competences to more traditional CoE fields of competence, generated the need for closer coordination. In this context, Mr Taubner recalled the conclusions of the meeting of the Foreign Affairs Council of the EU of 8 December where the Council noted new opportunities for strengthening co-operation.

Mr Taubner underlined the strong political will on both sides to develop the relationship, which had been recently reinforced at the highest level by President Barroso and SG Jagland. The work of the respective Ambassadors of the EU in Strasbourg and the CoE in Brussels also played an important role in achieving this objective.

Among the current challenges facing both sides were: accession of the EU to the European Convention on Human Rights (ECHR); need for early consultations in standard setting; the effective use of CoE monitoring mechanisms; and improvements to the management of Joint Programmes.

With respect to future co-operation, Mr Taubner announced that the SG would continue his “diplomatic offensive” and would meet with top EU officials, notably from the future Barroso II Commission and the European Parliament (EP). The CoE would also propose more regular consultations and planning meetings in different fields, following on the

best practice example of the recent meeting of Legal Advisers. In addition, Mr Taubner informed that the CoE's Brussels Office should soon be reinforced and that the CoE was looking forward to receiving clarification as to the future of the Quadripartite meetings following the Lisbon Treaty's entry into force.

Ambassador Frøysnes, Special Representative of the SG and Director of the CoE Liaison Office with the EU, referred to the meeting the previous day between the SG and the HR in which both parties notably agreed to meet regularly. The HR invited the Secretary General to meet other relevant members of the Commission, possibly during EP sessions in Strasbourg. A meeting between, on the one hand, the SG and, on the other hand, the HR and the Commissioner for Justice, Fundamental Rights and Citizenship could tentatively take place in Brussels on 15 February 2010 on the margins of the SG's address to the European Policy Centre.

Amb. Frøysnes called for a strengthening of bilateral contacts between officials of the respective institutions, notably considering the new perspectives opened for the EU by the entry into force of the Lisbon Treaty. This applied, in particular, to the fields of human rights, justice and security. He underlined, in this context, the relevance of a presentation on CoE monitoring mechanisms to the European Commission, foreseen in Brussels in February/March 2010. He also informed that the Registrar of the European Court of Human Rights (ECtHR) would make a presentation to COSCE on the Court's work and perspectives (Interlaken conference and the accession of the EU to the ECHR) on 17 December 2009. Following the adoption of the multiannual Stockholm Programme by the EU Council on 11 December 2009, Amb. Frøysnes congratulated the EU for this achievement and for the spirit of co-operation with the CoE in that process; he further called for the same spirit of co-operation in the preparation of the Action Plan on the implementation of the Programme.

Amb. Frøysnes referred to the interest of the Parliamentary Assembly of the Council of Europe (PACE) in further developing relations with the EU in conformity with the MoU. In particular, reference was made to two relevant PACE reports currently under preparation, i.e. on the follow-up to the MoU and CoE participation in the EaP. These reports should be finalised in the first half of 2010.

The EU Senior Official, Ms Arnault, considered 2010 as a crucial year in our mutual cooperation. In particular, she welcomed the election of a new CoE Secretary General with a strategic vision, the commitment of the current Swiss Chairmanship of the Committee of Ministers (CM) to embark on negotiations for the accession of the EU to the ECHR and underlined the strong political will, particularly at the highest level.

Ms Arnault welcomed the recent development of the organisation of meetings between the legal departments of both organisations and, in this context, informed that the next such meeting was foreseen on 29 January 2010.

Ms Arnault responded favourably to the CoE initiative to organise training on CoE monitoring mechanisms. In the same vein, she indicated their intention of associating the

CoE with the human rights training which is organised twice yearly for the staff of EU services and Delegations. One day of such training could specifically focus on CoE instruments.

Ms Arnault referred to new opportunities for cooperation between the CoE and the EP, in particular, the members of its Sub Committee on Human Rights.

Referring to the impact of the entry into force of the Lisbon Treaty on relations with the CoE, Ms Arnault recalled that, for the remainder of 2009, there would be no further changes of substance. The Swedish Presidency would continue to function as it had done prior to the entry into force of the Treaty. However, the HR had already started to Chair the Foreign Affairs Council. The European External Action Service (EEAS) would be set up under the Spanish Presidency. In this context, a decision should be taken by the Council by the end of April 2010. A Steering Committee is being set up to accompany the creation of the new structure. The aim is to bring more coherence and efficiency in the external actions of the EU. This process will, however, take time and necessitate a transitional period.

Ms Arnault recalled that the CoE had received notification of the change of name from “European Community” to “European Union”.

As with other Delegations to non-member States and other international organisations, the “Delegation of the European Commission” to the CoE would now be called the “Delegation of the European Union”. This Delegation would be reinforced with an assistant and an intern as of the beginning of 2010, although it was hoped that there would be a subsequent reinforcement.

The Representative of the EU to the CoE, Ambassador Pavan, appreciated the fact that the EU could take the floor in meetings of the Ministers’ Deputies.

Her general assessment was that there had been a huge increase in contacts between the two organisations at both political and technical levels. At the political level, she suggested that the HR could address the Ministers’ Deputies.

Amb. Pavan referred to the fact that the Lisbon Treaty had given greater competences to the EU in the field of fundamental rights, justice and citizenship. This would require the CoE and the EU to strengthen their partnership in these fields.

She referred to the importance of the CoE’s monitoring work for the EU. European Neighbourhood Policy (ENP) and Enlargement colleagues were already taking advantage of the CoE’s expertise in this field. However, she felt that colleagues from other parts of the Commission were less aware of CoE monitoring mechanisms. In this context, she welcomed the organisation of CoE information and training sessions in Brussels. On Joint Programmes, she mentioned the need to step back and look at new approaches in order to be more “strategic” as far as financial cooperation is concerned.

Amb. Pavan recalled that the EP would be a critical partner for discussions on EU accession to the ECHR, in particular, the following committees: Civil Liberties, Justice and Home Affairs (LIBE), Human Rights (DROI) and Constitutional Affairs (AFCO).

In reply to the presentations by the EU representatives, Mr Taubner informed that the SG had recently launched an internal reflection process with a view to developing a more strategic approach to relations with the EU.

### Topical issues

#### *(i) Cooperation on thematic issues*

##### - Legal cooperation and human rights

##### o **Accession of the EU to the ECHR and the ratification process of Protocol 14**

Ms Arnault stated that the priority for the Commission was the preparation of the negotiating mandate. Preparatory work had already started. An issue paper had been prepared and a first exchange between members of a group of legal advisers took place. Ms Arnault indicated that the Commission hoped to have the negotiating mandate approved during the first half of 2010. She recalled that the EP, which, since Lisbon, enjoys new powers with respect to external relations, would be called upon to give its consent to the accession. Despite the political will, as the legal issues were complex, the accession procedure would take some time.

The Director of Standard-Setting of the Directorate General of Human Rights and Legal Affairs (DGHL), Mr Kleijssen, recalled that DGHL – in close co-operation with the Directorate of Legal Advice and Public International Law (DLAPIL) will be the Commission's prime interlocutor in this regard. A first discussion had taken place in the Steering Committee on Human Rights (CDDH). He indicated that the CoE was aware that accession was a priority of the forthcoming Spanish Presidency, as confirmed by the Spanish Minister of Foreign Affairs to the Director General of DGHL.

Mr Kleijssen recalled that DGHL colleagues regularly appeared in meetings of the EP's Sub Committee on Human Rights. He mentioned the fact that there were a number of former PACE members who are now MEPs.

In the field of standard-setting, Mr Kleijssen stressed the importance of the EU informing the CoE as early as possible of any problems relating to the question of EU competences with respect to negotiating draft conventions.

Ms Arnault asked Mr Kleijssen to provide her with a copy of the list of MEPs who were former PACE members. On the question of advance notice, she agreed with the CoE's

position and felt that regular meetings between the services concerned should help in this regard.

Mr Taubner informed that the SG personally attached importance to an early and quick accession by the EU to the ECHR. He made this point during his recent meetings with President Barroso and the HR. This message would be repeated during his forthcoming visits to a number of member States.

Ms Arnault underlined the importance for the EU of internal coordination at an early stage between the Commission and EU member States.

On the question of the **ratification process of Protocol 14**, Mr Kleijssen informed that the Duma in September had considered reopening discussions and that he hoped to receive some good news in the near future.

Mr Taubner recalled that the SG would be travelling shortly to Moscow where a number of high-level meetings, including with the Prime Minister, the Foreign Minister, the Minister of Justice and the President of the Duma were foreseen.

In reply to Ms Arnault's request for feedback following these meetings, Mr Taubner recalled that the SG had agreed to inform President Barroso and the HR of the outcome of discussions.

- **Death penalty**

Ms Arnault proposed that a joint statement and joint event be organised on the occasion of the 2010 European Day against the Death Penalty. Taking advantage of the abolitionist momentum of the Belarusian President, joint activities in Belarus, including outside of the capital, could be organised.

Amb. Pavan asked if the CoE Secretariat could clarify whether a formal decision in the CM would be necessary for the joint statement.

Mr Kleijssen agreed to follow-up these activities with Amb. Pavan early in the new year.

- **Presentation in Brussels of CoE capacities in the field of monitoring mechanisms**

Ms Arnault agreed with Mr Kleijssen that a presentation of CoE standard-setting activities would also be useful.

Mr Taubner recalled that the first presentation on monitoring activities was foreseen in March 2010.

It was agreed that the contacts points for the monitoring presentations would be, on the CoE side, Amb. Frøysnes and Mr Giakoumopoulos, Director of Monitoring at DGHL; and, on the EU side, Mr Jérôme Legrand.

- **draft Stockholm Programme**

Mr Kleijssen recalled that the CoE had made two separate contributions to the draft Programme and welcomed the fact that many proposals had been taken on board.

Mr Michellini, International Relations Officer at DG JLS, informed that the European Council had adopted the Stockholm Programme on 11 December, the implementation of which would take place over a five-year period. He confirmed that the adopted Programme takes CoE suggestions into account and that both organisations would need to work together on many issues (e.g. accession of the EU to the ECHR, possible accession to Greco's evaluation mechanism). In the adopted Programme, the CoE is described as the hub of the EU's core values. He also informed that the action plan for the implementation of the Stockholm Programme would be prepared under the Spanish Presidency of the EU.

Mr Kleijssen confirmed that Greco's Secretariat stood ready to discuss further cooperation in this context.

- **Legal cooperation**

In the context of the **Transfrontier Television Convention**, Amb. Pavan recalled that Commissioner Reading had recently spoken to the SG informing him that she had written to EU member States notifying them that they could not adhere to CoE conventions where there was a strong EU competence.

With respect to **counterfeit medical products**, Amb. Pavan referred to a potential problem of definitions on the EU side and to the need to clarify the extent of EU competence in the area covered by the draft CoE Convention.

With respect to the **draft Convention on Mutual Administrative Assistance in Tax Matters**, Amb. Pavan recalled that the EU is still looking into the question of compatibility with EU legislation. She also referred to the fact that the disconnection clause in this text is not the standard one agreed in CAHDI and thus raised questions for the EU side. She recalled that Russia was insisting that the standard clause be used and the EU side saw merit in this.

Amb. Pavan mentioned that where the EU did not become a party to a specific Convention, this was often due to the fact that the EU side could not see any added-value. This might explain why the EU was a party to a limited number of Conventions.

With respect to the **draft Convention on Violence against Women**, Amb. Pavan informed that the EU would have to check if some of the areas covered by this text fell within EU competence. Mr Kleijssen recalled that in view of the high political priority attached to this issue, and the very advanced state of negotiations, this should be done as soon as possible.

Referring to the **Transfrontier Television Convention**, Mr Kleijssen recalled the importance of communication, and suggested that non-EU member States should be properly informed as to the position of the EU with respect to this Convention.

◦ **Migration and asylum seekers**

Mr Kleijssen referred to the meeting of Ministers in Lanzarote where the Spanish Minister requested that the CoE deal with access to justice for migrants and asylum seekers. However, it would appear that the Spanish authorities had changed their minds since Spain, Malta, Greece and Italy would prefer an EU lead on this question.

Mr Micheleni suggested that some of these questions could be addressed under the new action plan for unaccompanied minors in the migration process. A new coordinated approach would be necessary as sometimes this question was tackled under different angles (i.e. victims of trafficking, irregular migration and asylum seekers). Procedural safeguards would need to be introduced, such as the right to challenge decisions before a court or other authority in the different EU legislative texts. He recalled that in the next Commission, there will be two Commissioners responsible for JLS (i.e. a Commissioner for Justice, Fundamental Rights and Citizenship and a Commissioner for Home Affairs).

In this context, Ms Ochoa, Head of the Migration and Roma Department at DG III, underlined the necessity to take into consideration the best interests of the child in conformity with the UN Convention on the Rights of the Child.

- Education and culture

In her introduction, Ms Battaini, Director General for Education and Culture, Youth and Sport referred to the fact that there was an increase in Joint Programmes in the field of education for human rights and democratic citizenship and that the CoE was now counting on the Wergeland Centre in Oslo to work together on these issues. Cooperation with this Centre gave added capacities for action.

Ms Battaini recalled the importance of intercultural dialogue in future work, particularly in the context of the integration of migrants and national minorities. She referred to the fact that the Alliance of Civilizations had asked the CM to use the CoE's White Paper on Intercultural Dialogue at global level. In this context, she referred to the fact that the Alliance of Civilizations was also developing a regional strategy in South-East Europe and the Mediterranean area and stressed the need for coherence between the different actors involved. Referring to the North-South Centre, Ms Battaini recalled that this was a

privileged tool for intercultural dialogue, that Cap Verde was about to become a member of the Centre and that other non-European countries were in the pipeline.

- Cultural heritage

Ms Battaini referred to a meeting co-organised by the Slovenian Chair, the CoE and the EU in Ljubljana, from which an important message was conveyed by the Ministers of Foreign Affairs of South-East Europe in their final declaration on the specific point of committing the CoE and the EU to work together in the field of cultural heritage.

In the context of the Kyiv Initiative, cultural heritage played an important role (i.e. investing in the rehabilitation of historical town centres). Through the participation of the CoE Secretariat in Platform IV (People to People Contacts) of the EaP, Ms Battaini expressed the hope that the good co-operation between both organisations in South-East Europe could be transposed to the EaP countries.

- Intercultural cities

Ms Battaini recalled that this project, operational in 11 pilot small to medium-sized cities, was being jointly implemented by both organisations. In this framework, the recommendations of the White Paper were being tested, with the cooperation of local authorities, civil society and local media. The project was important for the integration of communities which are normally excluded from public debate.

As an illustration of a possible positive impact of the programme, Ms Battaini referred to the fact that Neuchâtel, one of the cities participating in the project, was one of the few areas in Switzerland, in the recent referendum, to have voted against including a ban on the building of minarets in the Swiss constitution. She also informed that cities from other continents were also interested in joining the programme.

- Education for human rights

Ms Battaini said that the importance of this field was reflected by the large number of on-going and planned future Joint Programmes.

She also referred to the fact that discussions were taking place in the CM as to Kazakhstan's request to adhere to the European Cultural Convention. This was motivated by Kazakhstan's desire to join the Bologna process.

Ms Battaini also referred to the fact that education could be used as a tool to fight corruption (e.g. in the examination system and public competitions).

Ms Arnault welcomed the increase in cooperation within the framework of the Kyiv initiative, which will also be supported by the soon to be launched Eastern Partnership Culture Programme. In this context, she informed that a new grant agreement had been

concluded for the implementation of the Kyiv Initiative Regional Programme (Rehabilitation of cultural heritage in historic towns). She also expressed interest in a possible joint follow-up to the Ljubljana process. With respect to the European Heritage Days, Ms Arnault suggested that both organisations continue to work together with a view to developing greater synergies.

Ms Arnault welcomed a possible future accession of Kazakhstan to the European Cultural Convention, as this would be a good way to anchor this country to European standards and values.

With respect to post and frozen conflicts, Amb. Pavan suggested that DGDPA and DG IV could put together a package of measures in the field of local democracy, history teaching and civil society.

Referring to the Ljubljana process, she welcomed Amb. Frøysnes attempt to bring an exhibition on this process to Brussels.

Amb. Pavan informed that Mr Truczinski would take up office in May as Director General of DG Education and Culture and that a meeting between him and Ms Battaini would be useful to explore ways of further developing cooperation in the education, culture and youth fields.

Mr Legrand appreciated the CoE Secretariat's participation in the work of Platform IV of the EaP, as well as the good cooperation which was taking place with the North-South Centre in the field of global education.

Ms Battaini referred to the importance of implementing joint activities in the field of sport, as this would be an ideal opportunity for both organisations to promote the values of fairness and respect on the basis of the Enlarged Partial Agreement on Sport, the Anti-Doping Convention, the European Convention on Spectator Violence and Misbehaviour at Sports Events and the White Paper of the EU on Sport. Referring to the creation of a CoE table for negotiations between governments and sports federations and the EU's new competence in the field of sport, she suggested that the EU give serious consideration to becoming a party to the Partial Agreement on Sport. This Partial Agreement covers topics such as illegal betting and trafficking.

- Social affairs
  - o Social rights – link between poverty and human rights

Ms Taylor recalled that DG III and DG Employment had been working together for a number of years to develop the capacities of public authorities to manage diversity. She referred to a recent meeting between representatives of both DGs to discuss possibilities for future cooperation in the context of the European Year for Combating Poverty and

Social Exclusion. She also recalled the connection between poverty and human rights and the problem of access to rights for vulnerable persons. This would also be the topic of a joint activity between the European Commission (DG Employment) and the CoE (DG III). In order to make a contribution to the 2010 European Year for Combating Poverty and Exclusion, the project will produce its first results in 2010. She suggested that a political statement could be included in the next Quadripartite meeting on the link between poverty and human rights.

Ms Taylor referred to a recent report of the Committee of Experts on Social Security (CS-SS) on the impact of the financial crisis on social rights

Ms Arnault stressed the need to build a partnership between the two organisations in the context of the European Year for Combating Poverty and Social Exclusion. She referred to the fact that economic and social rights were now higher on the EU's agenda. This was important to avoid a greater polarisation between "North" and "South" whereby the former was perceived as giving a higher priority to political and civil rights, and the latter to social and economic rights.

*(ii) Geographically-specific issues, including co-operation in the field*

Both sides exchanged information, including during the lunch on the current state of co-operation in Bosnia and Herzegovina, Moldova and Kosovo<sup>1</sup>. Possibilities of co-operation in Belarus, as well as the programme in the field of national minorities in the Russian Federation were also discussed. This point also allowed for a discussion of CoE Secretariat participation in the relevant platforms of the EaP.

### **Bosnia and Herzegovina**

The Commission representatives recalled that co-operation with the CoE with regard to Bosnia and Herzegovina has been very good for several years. In particular, IPA funds totalling €1.7 million have been globally committed for projects with the CoE.

The CoE representative mentioned the main challenges facing the country and how these are reflected in the relatively slow progress in completing fulfilment of CoE's accession commitments. The CoE remained very active in providing its expertise and assistance to the authorities towards this end.

In this context, it was recalled that the Venice Commission and DG ELARG have worked together on the April package of constitutional reform proposals, the basis for the ongoing "Butmir" constitutional reform process. The EU maintains that the Constitution

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<sup>1</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with the United Nations Security Council Resolution 1244 and without prejudice to the future status of Kosovo.

should be amended to make it compliant with the ECHR to facilitate the EU-integration process. In addition, fruitful cooperation also takes place in the area of rule of law (including human rights issues) and education. In 2011 the Commission and the CoE cooperated to set up an International Monitoring Operation of the population census. The Commission has earmarked €700,000 for the CoE to execute the monitoring process. The Commission also cooperates also with the CoE Development Bank on the construction of the State prison. Further cooperation in the next few years would be welcome. It should concentrate on the areas of rule of law (judiciary, court and prison administration, transposition of the *acquis* in this field) and education. Project proposals should be developed in the first place with the beneficiaries and the EU Delegation in Sarajevo. Information sharing between the CoE field presence and the EU Delegation should be improved.

## **Moldova**

The EU welcomed the orderly manner in which the 29 July elections took place and the rapid formation of a government. However, the Commission was disappointed by the failure of the Moldovan Parliament to elect a President, which will possibly open a new period of political uncertainty. The Commission remains fully committed to helping Moldova in this difficult period. The first priority is the negotiation of an EU-Moldova Association Agreement, which began on 12 January. The Commission will also provide macro-financial assistance to complement Moldova's agreements with the IMF. Among prime areas of concern for the Commission are human rights and political reform. Moldova's recent request to set up a regular Human Rights dialogue with the EU is welcomed. In the context of the aftermath of the events of April 2009, the Commission adopted the Democracy Support Package and appointed an observer at the bi-partisan Commission of Inquiry tasked with investigating these events.

The CoE representative recalled the efforts deployed by the Organisation, through a number of ad hoc missions, to deal with the consequences of the April events. These timely visits had led to the Commissioner for Human Rights' report on the human rights violations that had occurred following the elections and which contained specific recommendations for action. Based, inter alia, on such texts, the CoE and the EU were able to agree on a joint approach to human rights and rule of law priorities that is contained in the draft "Democracy Package" which is being finalised.

The above confirms the good level of CoE-EU cooperation in Moldova. Two major projects, with the possibility for a third, are also being implemented on judicial reform, corruption and money laundering, in addition to the future Democracy Support Package.

The Commission is satisfied that the operational responsibility for the Package lies with the CoE field presence in Chisinau, however the Commission would like to see the European Parliament take the leading role in implementing the Package's parliamentary

component. A quick start to implementation is crucial. ENPI funding to Moldova is set to increase significantly in 2011-2013; thus synergies between donors must be strengthened, with the Moldovan Government playing a strong coordinating role. A report on positive field cooperation in Moldova should be presented to the CoE's Committee of Ministers in Spring.

## **Kosovo<sup>2</sup>**

The Commission welcomed positive developments in Kosovo<sup>3</sup>, in particular, the local elections of 15 November. The EU hopes that the final results will create the conditions to improve the quality of life for all and help the authorities deliver on their EU reform agenda. The Commission remains committed to Kosovo's<sup>4</sup> socio-economic development. The recent European Council endorsed the proposals entailed in the Commission's Communication on "Kosovo – Fulfilling its European perspective". These proposals and EC and CoE instruments more generally, are status-neutral and should benefit all communities, as well as facilitate cooperation and reconciliation in the Balkans more broadly. Diverging opinions on the status issue should thus not hinder their implementation.

The representative of the CoE recalled the strictly status-neutral position of the Organisation and insisted on the need to ensure that CoE standards in the key areas of human rights and the rule of law be fully implemented in Kosovo<sup>5</sup> and that this still required important efforts that could be undertaken jointly.

The Commission appreciates the fruitful cooperation with the CoE. The Commission representative stated that the CoE's intervention was paramount, in particular in the education, human and minority rights sectors because relevant CoE conventions are the international legal reference. DG ELARG, the ECLO, the EULEX Kosovo Mission and the CoE are currently discussing the possibility of developing new joint initiatives to be financed under IPA to deploy a mechanism allowing for the monitoring of CoE conventions. This comes after President Barroso and CoE SG Jagland agreed in October 2009 to expand joint CoE-EC activities.

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<sup>2</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with the United Nations Security Council Resolution 1244 and without prejudice to the future status of Kosovo.

<sup>3</sup> Idem

<sup>4</sup> Idem

<sup>5</sup> Idem

## **Belarus**

The European Commission representative informed that the EU has no contractual relations with Belarus due to the freezing of the ratification of the Partnership and Cooperation Agreement (PCA) in 1997. Belarus is not included in the European Neighbourhood Policy. The GAERC Council Conclusions of 17 November decided to extend until October 2010 the already existing visa ban and assets freeze. Further to some positive steps in the field of democracy and fundamental freedoms, however, the GAERC decided to extend the suspension of the restrictive measures and signalled its readiness to upgrade contractual relations, including through a Joint Interim Plan being prepared by the Commission which will contain priorities for reforms to be implemented by Belarus with EU support. The Commission welcomes this balance between encouragement and recognition that still too little has been done to promote reforms. The EU expects Belarus to undertake democratic reforms with a view to coming closer to the EU and expanding the area of peace, stability and prosperity involving the EaP countries. These include: no back-tracking on political prisoners and politically-motivated prosecutions; electoral reform; liberalisation media, speech and assembly freedoms; improvement in NGOs' working conditions; abolition/moratorium on the death penalty. In return, the EU is ready to fund political and economic development, and, in the case of significant positive steps, to support full Belarusian membership of the EaP, and, further, ratification of the PCA. The Commission has started work on negotiating directives for a visa facilitation/readmission agreement. The Commission approved a doubling of the financial allocation to €10m. p/a for 2009 -2010, has prepared further progressive allocations for 2010-2013 and has proposed to the Council a €200m. package of macro-financial assistance. A macro-financial loan linked to economic conditionality is also being considered, and Belarus could be included in the EIB's new mandate. However the level of engagement will be commensurate to Belarus's efforts to carry out needed political and economic reforms.

The representative of the CoE recalled the different aspects of CoE's approach to Belarus which included a very strong civil society dimension and the functioning of an Info Point in Minsk . Having had the occasion to meet the EU representative in Minsk recently he also confirmed that CoE-Commission cooperation in the field is positive, especially since the Memorandum of Understanding of 2007.

In this context, both organisations see the need to uphold the current encouraging trend in Belarus with more systematic progress in democracy, human rights and the rule of law. A moratorium on and subsequent abolition of the death penalty would be an important step in this direction. Further progress would be the passing of electoral reform legislation called for by both organisations; however the revisions made to the draft law were not based on ODIHR consultation. Belarus seeks to accede to a number of CoE Conventions, and the EU would additionally like to see Belarusian accession to the Convention for the Prevention of Torture. The Commission welcomes the opening of the CoE Information

Point in Minsk, a tool in raising awareness of human rights and European values and is interested to know how this work is progressing.

### **3. Programming and implementation – Exchange of information**

*Please see appendix II.*

### **4. Any other business**

#### **Visibility**

Ms Arnault raised the question of visibility for the CoE-EU partnership in Strasbourg and in the field. With a view to optimising visibility, she suggested that each Joint Programme could foresee a budgetary line (no more than 2% of the total budget) to promote visibility. She also suggested that in the different Secretariat documents submitted to the CM, a standard paragraph should be included, not only mentioning the financial contribution of the EU, but also the fact that both organisations are working together towards the implementation of the relevant Joint Programmes because of their common values.

Amb. Frøysnes suggested that more could also be done in Brussels to give visibility to cooperation between the CoE and the EU. In this context, he suggested that a presentation on the most interesting Joint Programmes could be made in Brussels.

Amb. Frøysnes expressed the hope that the EU would further reinforce its office in Strasbourg to improve the flow of information between the two organisations.

Mr Siegel, Director of Strategic Planning, suggested that both sides should get together in early 2010 to discuss this issue in greater depth.

Appendix I

**Annual meeting of Senior Officials of the Council of Europe and the European  
Commission  
Under the Joint Declaration on Co-operation and Partnership**

**Strasbourg, 16 December 2009**

**List of participants**

**Council of Europe**

**Directorate of External Relations**

Mr Zoltan Taubner, Director (Senior Official)  
Mr Max Gilbert, Adviser  
Ms Catherine Maffucci-Hugel, Adviser

**Liaison Office of the Council of Europe with the European Union**

Amb. Torbjørn Frøysnes, Director and Special Representative of the Secretary General  
Mr Humbert de Biolley, Deputy Director

**Private Office of the Secretary General and the Deputy Secretary General**

Mr Matjaz Gruden, Deputy Director

**Directorate General of Democracy and Political Affairs**

Mr Jean Louis Laurens, Director General  
Ms Claudia Luciani, Director of Political Advice and Co-operation

**Directorate of Human Rights and Legal Affairs**

Mr Jan Kleijssen, Director of Standard-Setting  
Ms Marja Ruotanen, Director of Co-operation

### **Directorate General of Social Cohesion**

Ms Verena Taylor, Head of the Social Policy Department  
Ms Ochoa-Llido, Head of the Migration and Roma Department

### **Directorate General of Education, Culture and Heritage, Youth and Sport**

Ms Gabriella Battaini, Director General

### **Directorate of Strategic Planning**

Mr Andreas Siegel, Director  
Mr Jose Cremades, Head of Coordination and Resource Mobilisation Division  
Ms Aygen Becquart, Head of the Programming, Evaluation and Strategic Development Division  
Mr Giovanni Battista Celiento, Head of the Co-ordination Unit

### **Directorate of Legal Advice and Public International Law**

Ms Ana Maria Salinas de Frias, Legal adviser

### **European Commission**

#### **DG Relex**

Ms Véronique Arnault, Director of Human Rights and Multilateralism (Senior Official)  
Mr Reinhold Brender  
Mr Giovanni Cremonini, General Coordination, European Neighborhood Policy  
Ms Anna Carin Krokstade, Administrator  
Mr Jérôme Legrand, Desk Officer on CoE issues, B3 Unit

Amb. Luisella Pavan-Woolfe, Head of Delegation, Permanent Representative of the European Union to the Council of Europe

#### **DG Elarg**

Mr Thomas Seiler

#### **DG AidCo**

Mr Jean-Charles de Cordes, Coordinator for Thematic Programmes (Europe, Mediterranean, Middle East)

Mr Stijn Houben, Administrator

**DG JLS**

Mr Gualtiero Michelini, International Relations Officer, A2 Unit

**SCOREBOARD MEETING  
Strasbourg, 15 December 2009**

**Conclusions**

Representatives of the Council of Europe (CoE) and of the European Union (EU) met in Strasbourg to discuss technical issues regarding joint actions.

The meeting Agenda and List of participants are attached (Appendix I and II).

**I. HORIZONTAL ISSUES**

1. **Project design** – CoE initiatives to improve project design capacity were described (new training modules for programme/project managers). The EU representatives expressed their readiness to support the CoE in this effort.
2. **Contract implementation start date** – New contracts could have an implementation start date 3 months after the contract date of signature, to allow for the selection and hiring of the project management team and the setting up of other logistics. In consequence, requests for contract extensions will be accepted only exceptionally.
3. **One-stop Shop** – Both sides agreed to set up a single point of access for JP negotiations: DSP will usually assume this role for the CoE; for the EU, this will vary according to the Financial Instrument involved. The EU will provide these contacts. The EU raised the possibility of re-reinforcement of the project-conception capacity of the CoE Brussels SRSO Office.
4. **Reciprocal contact lists for contracted JPs** – the EU and the CoE will exchange lists of Desk Officers and Programme Managers for contracted JPs. EU side will hand over its list during the Senior Officials Meeting on 16/12.
5. **Reporting** – The CoE will continue to submit to the EU the following reports on Joint Programme implementation:
  - a. Inception report, within 3 months of the start of project implementation
  - b. Interim reports, 12 months after project start, and every 12 months until the completion of project implementation, including a qualitative and a financial report, and a request for progress payments
  - c. Final report, within 6 months of the completion of project implementation
  - d. Quarterly Scoreboard reports, with updates on project progress and financial status.

EU side considers monthly reporting should not be the rule for Joint Programmes, and will occur only exceptionally. CoE will liaise with Brussels if such requests are made by European Union Delegations (EUDs) in the future since they are not contractual obligations.

Where special reports are required for Steering Committees, the format of the Scoreboard reports, with appendices, should be used to the extent possible. Copies of these reports will be systematically sent by CoE Programme Managers to EU Brussels Head-Quarters.

The CoE will strive to further improve the quality of its reporting, notably to ensure even quality of the Scoreboard. CoE Programme managers will be asked to ensure a more regular, informal flow of information about JP implementation with their (to be named) Brussels counterparts, as well as with the EU Delegations – early communication of Steering Committee meetings, major events, etc.

**6. JP Monitoring and Evaluation** – Both sides agreed to improve consultation and cooperation on Results-Oriented Monitoring and Evaluation of individual Joint Programmes. In particular, advance notice of monitoring and evaluation plans on an annual and, if possible, on a multi-annual perspective, of the various instruments of the EU and the CoE will be encouraged.

The EU intends to start an across-the-board external evaluation (horizontal or meta evaluation) of cooperation through JPs in the second semester of 2010. All Joint Programmes will be covered, irrespective of the financial instrument the EU funds are coming from. The AIDCO evaluation unit will be in charge of this evaluation and will inform the relevant CoE staff on a regular basis. There will be no CoE involvement in conception or management of this exercise, but results will be shared by the EU. Contact persons within the CoE will be identified at a later stage

**7. Communication** – a visibility /communication component and budget line (2% of the total project amount was indicatively mentioned) is to be included in all financed contracts. This is expected to result in measurable improvements. Both partners would benefit from greater visibility of joint cooperation, both in Strasbourg (CoE budget documentation: Programme of Activities, Cooperation Programming Documents etc.) and at field level. The joint cooperation web site will be made more user friendly.

**8. JP Co-financing** – The following co-financing guidelines were mutually agreed for Joint Programmes:

- a. European Instrument for Democracy and Human Rights (EIDHR) funded projects: these will continue on a 50/50 co-financing basis in principle. The CoE indicated that budget restrictions may limit its recourse to matching the annual EC allocations (so far around € 2 million annually). The EU strongly encouraged the CoE to also consider using other EU Instruments (b-d, below).

- b. Instrument for Pre-accession Assistance (IPA), European Neighborhood Policy Instrument (ENPI): the EU expects the CoE to normally finance 20% of the project budget, but also in-kind contributions can be considered.
- c. Other funding mechanisms: the CoE will co-finance up to 20% of the project budget.
- d. Eastern Partnership Facility – The EC is ready to work with the CoE on the basis of the results of the latter’s monitoring in respect of five of the six countries concerned (Armenia, Azerbaijan, Georgia, Moldova and Ukraine). Belarus will also be considered, although it is not subject to CoE monitoring. CoE’s input can be required when the results of monitoring highlight gaps in respect of the fulfilment of international standards by the countries concerned. The Facility (€ 4 million for 2010-2013) will be entirely funded by the EU but an in-kind contribution is expected from the CoE.

## **II. REVIEW OF EU/CoE JOINT PROGRAMMES UNDER IMPLEMENTATION**

**9. Review of selected JPs** – Progress in implementation of four Joint Programmes was discussed:

- a. Moldova – Increased independence, transparency and efficiency of the justice system;
- b. Ukraine – Promoting European standards in the Ukrainian media environment;
- c. Combating ill treatment and impunity;
- d. Network of Schools of Political Studies.

The EU appreciated the information provided and expressed broad satisfaction with three of the four JPs discussed. For the Network of Schools of Political Studies, the EU expressed its intention to carry out a stock-taking exercise for this JP, and stated that EIDHR was not deemed a sustainable instrument for this project, EIDHR being seen more as a source for temporary, seed funding, rather than one to fund recurrent activities. The CoE was therefore encouraged to explore, for the future, possible alternative sources of funding. The CoE side emphasised the relevance and unique character of this flagship project, which is oriented towards the medium and long term, and which still needs further support.

## **III. EU/CoE JOINT PROGRAMMES: PLANNING FOR 2010**

**10. JP Planning in 2010** – Priorities for future Joint Programmes were discussed:

- a. The CoE stated that its main priority countries include: Armenia, Azerbaijan, Georgia, Russia, Moldova, Ukraine, Turkey, Serbia, Bosnia and Herzegovina, Kosovo<sup>6</sup>.

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<sup>6</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

- b. Russia, the South Caucasus countries, Bosnia and Herzegovina and Kosovo<sup>7</sup> were highlighted by the EU side as top priorities mentioned by President Barroso to SG Jagland during their 2009 meeting.

#### **IV. Any Other Business**

The contract for the Joint Programme “Peer-to-Peer II” was signed.

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<sup>7</sup> See footnote on page 3

## **Appendix to Scoreboard meeting report**

### **SCOREBOARD MEETING - LIST OF PARTICIPANTS**

#### **Council of Europe**

Mr Tim Cartwright, Deputy Director, DSP

Mr José Cremades, Head of Coordination and Resource Mobilisation Division, DSP

Ms Aygen Becquart, Head of Programming, Evaluation and Strategic Development Division, DSP

Mr Giovanni Battista Celiento, Head of Coordination Unit, DSP

Mr Tobia Fiorilli, Head of Evaluation Unit, DSP

Mr Ivan Nikoltchev, Head of Media Unit, DG-HL

Ms Clementina Barbaro, Head of the Legislative Support Unit, DG-HL

Mr Arkadi Sytine, Policy Advisor, Coordination Unit, DSP

Ms Leyla Zeinalova, Policy Advisor, Coordination Unit, DSP

Ms Dušica Puzić, Policy Advisor, Coordination Unit, DSP

Mr Max Gilbert, Advisor, DER

Mrs Catherine Maffucci-Hugel, Advisor, DER

Mr Artashes Melikyan, Administrative Officer, DG-HL

Mr François Friederich, Administrative Officer, DG-DPA

#### **European Union**

Ambassador Luisella Pavan-Woolfe, EU Representative to the Council of Europe

Mr Jérôme Legrand, Administrator, DG RELEX

Mr Stijn Houben, Administrator, AidCo

Mr Jean-Charles de Cordes, Administrator, AidCo

Mr Raphael Fišera, Administrator, DG RELEX

Ms Anna Carin Krokstade, Administrator, DG RELEX