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Juncker proposes Council of Europe membership for EU

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Jean-Claude Juncker, the prime minister of Luxembourg, has proposed that the EU become a member of human rights watchdog the Council



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The Luxembourg leader on Tuesday (11 April) proposed a series of concrete ideas to revamp ties between the two organisations, which are sometimes seen as competing in the area of fundamental rights.

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was established in 1949 as the first political form of European co-operation after World War II, but later developed into a loose network of what are now 46 states focusing on human rights.

The current EU has developed from the economic European Coal and Steel Community in 1951 into a political



organisation, which now has its own plans to set up a European Fundamental Rights Agency.

Observers have pointed to the risk of overlap and competition if the EU keeps expanding its interest into fundamental rights.

"There is no room for rivalry on essentials between the two

organizations," Mr Juncker states in his report, recommending that the Council of Europe have clear primacy over the EU in human rights.

"The EU bodies should recognise the Council of Europe as the Europe-wide reference source for human rights," the report points out, adding that the Council of Europe's decisions and

conclusions should be "systematically cited" by the EU as a reference.

"The EU should consult the Council of Europe's Commissioner for Human Rights and legal experts whenever new draft directives or political and/or legal measures with a bearing on these questions are being prepared," Mr Juncker recommends.

According to the Juncker report, the EU's planned human rights agency should "deal with respect for fundamental rights solely in connection with the implementation of [European] Community law."

"It should not interfere with the unity, validity or effectiveness of the instruments used by

the Council of Europe to monitor the application of human rights."

EU to enter Council of Europe?

But the most far-reaching proposal in Mr Juncker's report is that the EU becomes a member of the Council of Europe, next to the individual EU member states which are already members of the human rights

watchdog.

"This will allow [the EU] to speak directly for itself in all the Council bodies, on all issues which affect its interests and which fall within its area of competence – all within the context of a pan-European dynamic which it will help to push ahead in the general interest of the continent," according to Mr Juncker.

The EU according to its present treaties has no "legal personality" which is needed to enter international organisations.

The EU constitution, rejected by French and Dutch voters in referendums last year, proposes to change this, for the first time providing the union with a legal personality.

The Juncker reports states that Council of Europe membership for the EU could be achieved by 2010, as by then, "the debate on changes in the EU treaties will have moved ahead."

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