Basic information

1995/2081(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Agreements EC/third countries: respect for democratic principles and human rights **Subject** 6.10.08 Fundamental freedoms, human rights, democracy in general	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	AFET Foreign Affairs, Security and Defense Policy	CARNERO GONZÁLEZ Carlos (GUE/NGL)	22/06/1995
	Committee for opinion	**Rapporteur for opinion**	**Appointed**
	RELA External Economic Relations	SAINJON André (ARE)	21/06/1995
	DEVE Development and Cooperation	AELVOET Magda G.H. (V)	19/07/1995
Council of the European Union			

Key events

Date	Event	Reference	Summary
23/05/1995	Non-legislative basic document published	COM(1995)0216	Summary
16/06/1995	Committee referral announced in Parliament		
24/06/1996	Vote in committee		Summary
24/06/1996	Committee report tabled for plenary	A4-0212/1996	
20/09/1996	Debate in Parliament		
20/09/1996	End of procedure in Parliament		
28/10/1996	Final act published in Official Journal		

Technical information

Procedure reference	1995/2081(COS)

Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	AFET/4/06650

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0212/1996 OJ C 211 22.07.1996, p. 0003	24/06/1996	
Text adopted by Parliament, single reading		T4-0499/1996 OJ C 320 28.10.1996, p. 0239-0261	20/09/1996	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1995)0216	23/05/1995	Summary

Agreements EC/third countries: respect for democratic principles and human rights

1995/2081(COS) - 20/09/1996 - Text adopted by Parliament, single reading

In adopting the report by Mr Carlos CARNERO GONZALES (GUE/NGL,E) on the Communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries, Parliament affirmed that it was incumbent on the Union to give concrete expression to the human rights clause in the Treaty and to draw up objective criteria for its application. The individual 'must be the centre of all political activity' and protection of his/her rights must be guaranteed. Therefore the IGC must incorporate in the new Treaty a stipulation that any external agreement must contain a 'human rights clause'. But it is also necessary to draw up an objective method of application in cases of flagrant violation of human rights and social rights. Hence the call on the Commission to formulate 'criteria, procedures, forms of sanctions, and their method of application', and the proposal for the Union to act in concert with the other international organizations. According to the report 'the Council should act on the basis of a qualified majority rather than on unanimity' in deciding whether to suspend an agreement. Parliament, for its part, should be consulted about the suspension of an accord and should have the power 'to recommend the application of the human rights clause'. In addition, when the Commission makes a proposal for suspension it should transmit it at the same time to the Council and Parliament. The EP called for the proposed CFSP analysis unit to take due account of the resolutions of the European Parliament and to allow it access to the human rights assessments of the Unit.

Agreements EC/third countries: respect for democratic principles and human rights

1995/2081(COS) - 23/05/1995 - Non-legislative basic document

OBJECTIVE: this communication seeks to firm up and harmonize the "human rights" clauses contained in agreements between the EU and third countries so as to avoid discrimination between Community partners. CONTENT: in its communication, the Commission illustrates how references to human rights in agreements with third countries have developed over recent years. Initially, they were mentioned either not at all or only in passing in the preamble of some agreements. In subsequent years they were included in the body of cooperation agreements as a basis for relations between the parties to the agreement to become an "essential element" of agreements from 1992. In addition, all agreements concluded with CSCE countries include an innovative provision in addition to the "essential element" clause. This additional clause provides for an immediate response (that is to say

either immediate suspension or non-execution of the agreement, accompanied by appropriate measures). In 1993, the Commission proposed a number of guidelines to the Council with a view to rationalizing the variety of references to human rights in the provisions of the agreements. However, the objective of a systematic approach has not yet been achieved (particularly acceptance of the human rights clause as an "essential element" of the agreement). In addition, the "Baltic" immediate suspension clause has been progressively eliminated in favour of the "Bulgarian" general non-execution clause, in some cases supplemented by interpretative declarations concerning measures to be taken (particularly in cases of "special urgency"). Accordingly, in its communication, the Commission calls for the Community approach to be made more coherent and transparent so as to avoid discrimination against third countries and proposes the incorporation of standard phases to this effect within the agreements: - in the recitals: general references to human rights and democratic values and references to universal and regional instruments common to both parties; - in the body of the agreement: . insertion of an article X defining the essential elements to be adapted according to the circumstances (e.g. OSCE membership, compliance with market economic principles etc.) such as "respect for democratic principles and fundamental human rights which constitute an essential element of the agreement". This would be one of the first articles concerning the "general principles" of the agreement and its wording should be neither modified nor incorporated into a more general provision; . insertion of an article Y concerning non-execution: "if a party considers that the other party has failed to fulfil an obligation under this agreement, it may take appropriate measures" with a possibility of examining the situation within the association/cooperation council with a view to seeking a solution, except in "cases of special urgency"; . insertion of interpretive declarations on article Y concerning "cases of special urgency", that is to say a material breach of the agreement by one of the parties (e.g. repudiation of the agreement not sanctioned by the general rules of international law or violation of essential elements of the agreement, namely its article X). In this case, the parties may agree on "appropriate measures" in accordance with international law in response to which a procedure may be initiated relating to the settlement of disputes. The Commission indicates that the concept of "special urgency" enables the parties to decide for themselves what measures to take.