

2000



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 04/09/00

CAHDI (2000) 9 Addendum 2

**AD HOC COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW  
(CAHDI)**

**20th Meeting  
Strasbourg, 12-13 September 2000**

**PROPOSAL OF THE CZECH REPUBLIC TO THE COMMITTEE OF MINISTERS FOR THE  
POSSIBLE ESTABLISHMENT OF A "GENERAL" JUDICIAL AUTHORITY OF THE  
COUNCIL OF EUROPE**

**RECOMMENDATION 1458 (2000) TOWARDS A UNIFORM INTERPRETATION OF  
COUNCIL OF EUROPE CONVENTIONS: CREATION OF A GENERAL JUDICIAL  
AUTHORITY AND REPORT OF THE PARLIAMENTARY ASSEMBLY**

**SPECIFIC TERMS OF REFERENCE FROM THE COMMITTEE OF MINISTERS FOR AN  
OPINION OF THE CAHDI**

Secretariat memorandum prepared by the  
Directorate General of Legal Affairs

## Foreword

At its 707<sup>th</sup> meeting – Strasbourg, 26 April 2000, the Committee of Ministers considered the texts adopted by the Parliamentary Assembly at the 2<sup>nd</sup> Part of the 2000 Session (Strasbourg, 3-7 April 2000).

Concerning Recommendation 1458 (2000) on a uniform interpretation of Council of Europe conventions: creation of a general judicial authority, the Deputies:

“ (...) 26. decided to bring it to the attention of their Governments;

27. decided to communicate the Recommendation for information and possible comments to the European Court of Human Rights;

28. decided to communicate it for opinion to the Partial Agreement on the European Commission for Democracy through Law;

29. adopted Decision No. CM/751/26042000 issuing ad hoc terms of reference to the Committee of Legal Advisers on Public International Law (CAHDI) as it appears at Appendix 5 [hereafter] to the present volume of Decisions”.

Therefore the CAHDI will not be considering the Czech proposal regarding the creation of a general judicial authority at its own initiative but at the request of the Committee of Ministers in the light of Parliamentary Assembly Recommendation 1458 (2000) on a uniform interpretation of Council of Europe conventions: creation of a general judicial authority and in accordance with the specific terms of reference hereafter.

Finally, it should be noted that the specific terms of reference received from the Committee of Ministers are due to expire on 31 December 2000.

## Action required

Members of the CAHDI are invited to consider Recommendation 1458 (2000) on a uniform interpretation of Council of Europe conventions: creation of a general judicial authority (see document CAHDI (2000) 9 Addendum), and to adopt an opinion thereon for the attention of the Committee of Ministers.

## **Appendix 5**

(item 3.1) **Decision No. CM/751/26042000**

### **Ad hoc terms of reference**

- 1. Name of Committee:** Committee of Legal Advisers on Public International Law (CAHDI)
- 2. Source:** Committee of Ministers
- 3. Completion date:** 31 December 2000
- 4. Terms of Reference:** To give an opinion on Parliamentary Assembly Recommendation 1458 (2000) on a uniform interpretation of Council of Europe conventions: creation of a general judicial authority
- 5. Committee(s) informed of the terms of reference for information: -**