



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 30/08/06

CAHDI (2006) 18

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

**32<sup>nd</sup> meeting  
Athens, 13-14 September 2006**

**DECISIONS BY THE COMMITTEE OF MINISTERS CONCERNING THE CAHDI AND  
REQUESTS FOR CAHDI'S OPINION**

Secretariat document  
prepared by the Directorate General of Legal Affairs

967th meeting – 14 June 2006

**Item 10.1**

**Committee of Legal Advisers on Public International Law (CAHDI) – Abridged report of the 31st meeting (Strasbourg, 23-24 March 2006)**  
(CM(2006)59)

*Decisions*

The Deputies

1. welcomed the holding of the 4th multilateral consultation on the implications for Council of Europe member states of the ratification of the Rome Statute of the International Criminal Court, following the 32nd meeting of the Committee of Legal Advisers on Public International Law (CAHDI), in Athens, on 14 and 15 September 2006, thanks to the generous voluntary contributions by Finland and Switzerland;
2. took note of the abridged report of the 31st meeting of CAHDI, as it appears in document CM(2006)59, as a whole.

967th meeting – 14 June 2006

**Item 2.3a**

**State Union of Serbia and Montenegro**

**a. Continuation of the Republic of Serbia as a member state of the Council of Europe**  
(CM(2006)104 revised, 105 and 106)

*Decisions*

The Deputies

1. noted the contents of the letters of 5 June 2006 in which Mr Boris Tadic, President of the Republic of Serbia, informed respectively Mr Sergey Lavrov, Chairman-in-office of the Committee of Ministers, and Mr Terry Davis, Secretary General of the Council of Europe, that on the basis of Article 60 of the Constitutional Charter of Serbia and Montenegro, activated by the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006, the Republic of Serbia will continue the membership of the Council of Europe hitherto exercised by the Union of States of Serbia and Montenegro, and the obligations and commitments arising from it;
2. therefore noted that the Republic of Serbia is continuing the membership of Serbia and Montenegro in the Council of Europe with effect from 3 June 2006;
3. bearing in mind the proposal in the letter of 9 June 2006 from the President of the Parliamentary Assembly to the Chairman of the Committee of Ministers, approved the following amendment to Article 26 of the Statute of the Council of Europe:

"Members shall be entitled to the number of representatives given below:

Albania 4	Germany 18	Romania 10
Andorra 2	Greece 7	Russia 18
Armenia 4	Hungary 7	San Marino 2
Austria 6	Iceland 3	Serbia 7
Azerbaijan 6	Ireland 4	Slovakia 5
Belgium 7	Italy 18	Slovenia 3
Bosnia and Herzegovina 5	Liechtenstein 2	Spain 12
Bulgaria 6	Latvia 3	Sweden 6
Croatia 5	Lithuania 4	Switzerland 6
Cyprus 3	Luxembourg 3	"the former Yugoslav Republic of Macedonia" 3
Czech Republic 7	Malta 3	Turkey 12
Denmark 5	Moldova 5	Ukraine 12
Estonia 3	Monaco 2	United Kingdom of Great Britain
Finland 5	Netherlands 7	and Northern Ireland 18"
France 18	Norway 5	
Georgia 5	Poland 12	
	Portugal 7	

4. noted that the Republic of Serbia was either a signatory or a party to the Council of Europe conventions referred to in the appendix to these decisions, to which Serbia and Montenegro had been a signatory or party;

5. also noted that the Republic of Serbia was a member of the following partial agreements, of which Serbia and Montenegro had been a member:

- European Pharmacopoeia;
- Partial Agreement Setting up a European Support Fund for the Co-Production and Distribution of Creative Cinematographic and Audiovisual Works "Eurimages";
- Enlarged Partial Agreement Establishing the Group of States against Corruption (GRECO);
- Enlarged Partial Agreement Establishing the European Commission for Democracy through Law (Venice Commission);
- Partial Agreement on the Council of Europe Development Bank, the detailed arrangements to be determined by the organs of the Bank;
- Partial Agreement on the Youth Card for the Purpose of Promoting and Facilitating Youth Mobility in Europe;

6. noted that the Republic of Serbia would take part in the activities of the intergovernmental committees of experts in which Serbia and Montenegro had taken part;

7. agreed to consider the financial and other implications of the aforementioned decisions at a subsequent meeting;

8. adopted the following statement:

**“Continuation by the Republic of Serbia of membership of the State Union of Serbia and Montenegro in the Council of Europe**

The Committee of Ministers of the Council of Europe noted today that, following the declaration of independence of the Republic of Montenegro on 3 June 2006, and in accordance with Article 60 of the Constitutional Charter of the State Union of Serbia and Montenegro, the Republic of Serbia will continue membership of the State Union in the Council of Europe and will assume the attendant obligations and commitments.

The Committee of Ministers will maintain with the Republic of Serbia the close co-operative relations which it had established with the State Union and wishes to assure the Serbian authorities of its readiness to continue working with them towards greater European unity on the basis of the Council of Europe's values and principles. It welcomes their declared willingness to work in the same direction.

The Committee of Ministers expressed its confidence that the authorities of Serbia and Montenegro will settle matters relating to the succession of the State Union in the same spirit of mutual understanding and co-operation which they have shown in the last few weeks, in the interest of stability and prosperity of Europe."

**State Union of Serbia and Montenegro****b. Request for accession from the Republic of Montenegro to the Council of Europe**  
(CM(2006)104 revised, 105 and 106)*Decisions*

## The Deputies

1. noted the letters of 6 and 12 June 2006 in which Mr Miodrag Vlahovic, Minister for Foreign Affairs of the Republic of Montenegro, informed Mr Terry Davis, Secretary General of the Council of Europe, that the Republic of Montenegro wished to become a member of the Council of Europe, to succeed to the Council of Europe conventions that had been signed and ratified by Serbia and Montenegro and to become a member of the Partial Agreements of which Serbia and Montenegro was a member;
2. stated that, in accordance with the Organisation's Statute, membership could be granted once the Committee of Ministers, after consulting the Parliamentary Assembly, had found that the conditions for membership were satisfied;
3. decided to transmit the Republic of Montenegro's application for membership to the Parliamentary Assembly for an opinion;
4. decided, as an interim measure, that the Republic of Montenegro could take part, as an observer, in all the intergovernmental committees of experts in which it expressed an interest;
5. pending the examination of the Republic of Montenegro's application for membership of the Council of Europe, decided that representatives of the Government of the Republic of Montenegro will be invited to attend the meetings of the Committee of Ministers;
6. with regard to the Republic of Montenegro's declaration of succession to the Council of Europe conventions of which Serbia and Montenegro was a signatory or party, agreed as follows:
  - a) that the Republic of Montenegro was either a signatory or a party, as appropriate, to the "open" conventions referred to in the appendix to these decisions, with effect from 6 June 2006, the date of the declaration of succession;
  - b) concerning the Republic of Montenegro's succession to the "closed" conventions:
    - i. to take the relevant decisions in due course on the European Convention on Human Rights (ETS No. 5), of its Additional Protocol (ETS No. 9), its Protocols No. 4 (ETS No. 46), No. 6 (ETS No. 114), No. 7 (ETS No. 117), No. 12 (ETS No. 177), No. 13 (ETS No. 187) and No. 14 (ETS No. 194), the European Convention on the Suppression of Terrorism (ETS No. 90) and its amending Protocol (ETS No. 190), the European Charter of Local Self-Government (ETS No. 122) and the European Social Charter (revised) (ETS No. 163);

7. with regard to the Republic of Montenegro's declaration of succession to the partial agreements of which Serbia and Montenegro had been a member, agreed that:

a) its succession to the Criminal Law Convention on Corruption (ETS No. 173) made it *ipso facto* a member of the Enlarged Partial Agreement Establishing the Group of States against Corruption (GRECO);

b) its succession to the Convention on the Elaboration of a European Pharmacopoeia (ETS No. 050) made it *ipso facto* a member of the European Pharmacopoeia;

c) its succession to the European Cultural Convention made it a member of the Partial Agreement on the Youth Card for the Purpose of Promoting and Facilitating Youth Mobility in Europe;

d) the Republic of Montenegro was a member of the following partial agreements, with effect from 6 June 2006:

i. Enlarged Partial Agreement Establishing the European Commission for Democracy through Law (Venice Commission);

ii. Partial Agreement Setting up a European Support Fund for the Co-Production and Distribution of Creative Cinematographic and Audiovisual Works "Eurimages";

e) with regard to the participation of the Republic of Montenegro to the Partial Agreement of the Council of Europe Development Bank, the notification of succession contained in the aforementioned letter of 12 June 2006 should be transmitted to the competent bodies of the Bank, in order to give to it the appropriate follow-up;

8. agreed to consider the other implications of the aforementioned decisions, including those concerning privileges and immunities, as well as the financial implications, at a subsequent meeting;

9. adopted the following statement:

**“Request by the Republic of Montenegro for accession to the Council of Europe**

The Committee of Ministers refers to its declaration of 24 May 2006 on the referendum organised in Montenegro on 21 May, and to the declaration of independence of the Republic of Montenegro on 3 June 2006.

The Committee of Ministers took note with satisfaction of the request for accession of the Republic of Montenegro to the Council of Europe and transmitted it – in accordance with the usual procedure – to the Parliamentary Assembly for opinion.

The Committee of Ministers welcomes the intention expressed by the authorities of the Republic of Montenegro to respect and implement the obligations and commitments contracted by the State Union of Serbia and Montenegro as a member state of the Council of Europe. The Committee of Ministers is determined to intensify co-operation with the Republic of Montenegro to this end, following the appropriate modalities.

The Committee of Ministers expressed its confidence that the authorities of Serbia and Montenegro will settle matters relating to the succession of the State Union in the same spirit of mutual understanding and co-operation which they have shown in the last few weeks, in the interest of stability and prosperity of Europe.”

***Ministers' Deputies / Rapporteur Groups***  
**GR-J Rapporteur Group on Legal Co-operation**  
**GR-J(2006)CB4 8 June 2006<sup>1</sup>**

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*Synopsis, Meeting of 1 June 2006*

(...)

**Committee of Legal Advisers on Public International Law (CAHDI) – Abridged report of the 31st meeting (Strasbourg, 23-24 March 2006)**

5. One delegation considered that the meetings of CAHDI should be given more attention by the Deputies as a number of important issues were discussed by that Committee that merited their attention. Several other delegations were of the same opinion and the GR-J agreed to look into the possibilities of organising an exchange of views with the Chairman of CAHDI, either at one of its forthcoming meetings, or at a meeting at the level of the Deputies.

6. Meanwhile, the Group took note of the abridged report of CAHDI's 31st meeting and agreed to transmit it to the Deputies for adoption of the relevant decisions without further debate (see CM/Notes/967/10.1).

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<sup>1</sup> This document has been classified restricted at the date of issue. Unless the Committee of Ministers decides otherwise, it will be declassified according to the rules set up in Resolution Res(2001)6 on access to Council of Europe documents.