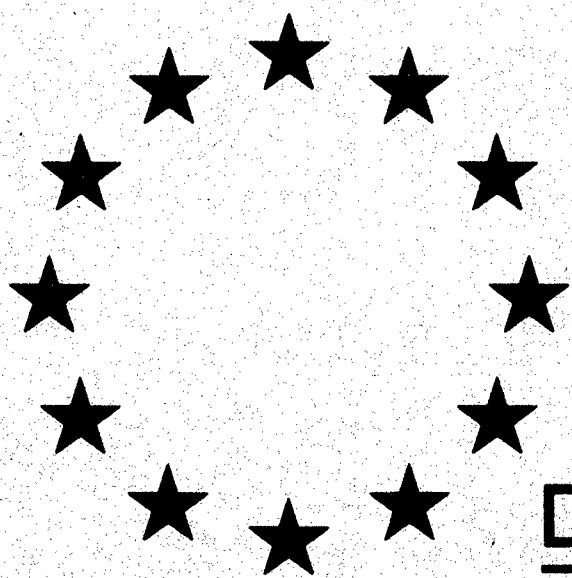


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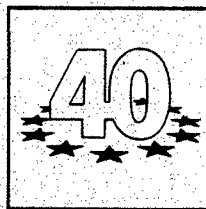
**Conclusions
of the
429th Meeting of the Ministers' Deputies**

held in Strasbourg on 5, 6, 13, 23 and 24 October 1989

THE COUNCIL OF EUROPE



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Forty years
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The 429th meeting of the Deputies opened at A level at 10.15 am on Thursday, 5 October 1989 under the Chairmanship of Mr R. Knoph, Deputy for the Minister for Foreign Affairs of Norway. The sitting at B level at 10.15 am on Friday, 13 October 1989 took place under the Chairmanship of Mr L.O. Roma de Albuquerque, Deputy for the Minister for Foreign Affairs of Portugal.

PRESENT

AUSTRIA	Mr	W.	Sautter
	Mr	E.	Buttenhauser
	Mrs	U.	Plassnik
BELGIUM	Mr	R.	Van Crombrugge
	Mr	J-F.	Branders
	Miss	C.	Taquet
CYPRUS	Mr	P.	Michaelides
	Mr	M.	Hadjimichael
DENMARK	Mr	E.V.	Quaade
	Mrs	K.	Marcus
FINLAND	Mr	D.	Vitzthum
	Mrs	U.	Väistö
	Mr	P.	Hyvönen
FRANCE	Mr	P.	de Boisdeffre
	Mr	S.	Hofmann
	Mr	J.	Marguerite
	Mr	R.	Guibert
FEDERAL REPUBLIC OF GERMANY	Mr	C.	von Schubert
	Mr	K.	Praller
	Mrs	G.	Steinacker
GREECE	Mr	S.	Konstantopoulos
	Mr	J.	Corantis
	Mr	N.	Kanellos
ICELAND	Mrs	S.	Snaevarr
	Mr	B.	Jonsson
IRELAND	Mr	A.	Mulloy
	Mr	D.	Boyle

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ITALY	Mr	U.	Toffano
	Mr	C.	Colombo
	Mrs	C.	Distefano
	Mr	G.	Raimondi
LIECHTENSTEIN	Mr	R.	Marxer
	Mr	D.	Ospelt
LUXEMBOURG	Mr	P.	Faber
MALTA	Mr	N.	Buttigieg Scicluna
NETHERLANDS	Mrs	A.	Nierman
	Mr	W.	Servatius
NORWAY	Mr	R.	Knoph, <u>Chairman</u>
	Mr	D.M.	Halvorsen
PORTUGAL	Mr	L.O.	Roma de Albuquerque, <u>Vice-Chairman</u>
	Mr	F.J.	Ramos Machado
	Miss	M.J.	Morais Pires
SAN MARINO	Mr	P.G.	Guardigli
	Miss	A.	Mularoni
SPAIN	Mr	J.M.	Lacleta
	Mr	J.	Fernandez Torrejon
	Mr	S.	Martinez-Caro
SWEDEN	Mrs	I.	Larsson
	Mr	R.	Sjöberg
SWITZERLAND	Mr	Y.	Moret
	Mr	G.	Stoudmann
TURKEY	Mr	T.	Firat
	Mr	K.	Taskent
	Mr	A.	Özçer
	Miss	N.	Berberoglu
	Mrs	D.	Akçay
UNITED KINGDOM	Mr	C.	McLean
	Mr	J.	Jamieson
	Mr	R.	Turner

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At the opening of the meeting at A level, on 5 October 1989, the Chairman drew attention to the Secretary General's statement at the previous meeting about the visit of the Archbishop of Canterbury. Part of the programme for this visit would directly concern the Deputies: at 12 noon on Friday 24 November 1989 the Archbishop would meet the Bureau of the Deputies and at 12.30 pm their Chairman would offer a drink in the Committee of Ministers' Ante-Room in the presence of all Heads of Delegation.

The Chairman went on to report that the Bureau had agreed to the presentation, by the Italian Government, of an exhibition on the Parthenopean Revolution of 1799 organised by the Italian Cultural Institute, to be held in the Committee of Ministers' Ante-Room from 23 October to 5 November 1989. The photographic display would complement an exhibition of paintings on this subject which would be on show at the same time in the Council of Europe's Exhibition Centre.

The Chairman drew the Deputies' attention to the proposal to hold a meeting of the Deputies' Open Working Party on relations with countries of Eastern Europe at 4 pm on Friday 6 October in the Committee of Ministers' Room. In their preliminary discussions on 21 September 1989 on the first meeting of the Joint Council of Europe/USSR Working Party which was held on 19 and 20 September last, the Deputies had agreed to come back to this question at the present meeting. It was intended to consider the possibility, on the basis of comments made by the different capitals, of selecting certain fields and activities with which the co-operation with the Soviet Union could start off. Such indications would be most useful for the officials from the Council of Europe before they will again meet their Soviet counterparts on 19 and 20 October 1989 in Moscow. A concise report on the first meeting of the Joint Council of Europe/USSR Working Party, as well as the Carnet de Bord of the open Working Party's meeting on 21 September, had been sent to all the delegations on 21 September 1989.

The Chairman then recalled that, at their last meeting, the Deputies had considered the report of the Steering Committee on the Mass Media (CDMM) and, in particular, the preparation of the CDMM Round Table discussion on East-West audio-visual co-operation to be held on 8 November 1989 with the participation of experts from Yugoslavia, Hungary and Poland. The Bureau of the CDMM had asked in its report (CM(89)160) that the Ministers' Deputies be represented at the Round Table by their Chairman and that he make an introductory statement to set the Round Table in the general political context of Council of Europe co-operation with the East. The Chairman intended to attend the Round Table, where he would represent the Committee of Ministers.

The Chairman circulated a memorandum to the Deputies informing them that the 1989 Nobel Peace Prize had been awarded to the Dalai Lama, Tenzin Gyatso.

Finally, the Chairman offered his congratulations to Mr G. Stoudmann, Deputy Permanent Representative of Switzerland, who had just been named Personal Adviser to Mr J. P. Delamuraz, President of the Swiss Confederation. He would take up his post on 1 December 1989.

The Representative of Turkey referred to the television programme "Du côté de chez Fred", broadcast on the French channel Antenne 2 on Monday 2 October 1989. Among the participants in the programme had been Mrs Catherine Lalumière, Secretary General of the Council of Europe, who, as the main guest, had replied in general terms to questions from Mr Frédéric Mitterrand on the Organisation's role and prospects. Mrs Lydie Dupuy, member of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment was among other guests. In reply to the interviewer, Mrs Dupuy had stated that torture existed almost everywhere. With regard to Turkey, Mrs Dupuy had said that this country had been the first to sign the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, but torture was still part of Turkish civilisation. The Representative of Turkey had been astonished by this irresponsible and unacceptable answer. As a member of the Committee for the prevention of torture she had to be impartial and refrain herself from unfair, baseless statements. Her remarks were confirming her attitude against Turkey, already expressed by the Representative of Turkey at the previous meeting (item 34). Mrs Dupuy's remarks demonstrated that she could not be impartial in a case involving Turkey. The Representative of Turkey wanted his delegation's views known by the Committee of Ministers.

The Chairman said that the members of the European Committee had been elected by the Deputies and that they were independent.

*

* *

1 At the end of the meeting at B level the Deputy Permanent
2 Representative of the Netherlands thanked the Chairman for the
3 efficiency with which he had conducted the Deputies' meetings at B
4 level during the last few months, particularly that day when he had
5 beaten all speed records. On behalf of his colleagues, he wished him
6 the same success in his chairmanship at A level.

7 The Chairman thanked all the Deputies for their co-operation and their
8 kind remarks.

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11 At the beginning of the second part of the meeting at A level the
12 Chairman recalled that, during the first part of the meeting (item
13 2), the Secretary General had stated, during discussion of the
14 subjects to be raised at the next quadripartite meeting with the
15 Community, that "it would be useful for the Ministers' Deputies to
16 hold their traditional exchange of views with the Secretary General of
17 the Commission of the European Communities at their meeting in January
18 1990".

The Deputies agreed to hold this exchange of views on 16 January 1990, during their 432nd meeting.

The Chairman then informed his colleagues of the death of Princess Gina of Liechtenstein, the mother of Prince Nicolas of Liechtenstein, who had represented his country at the Council of Europe until May 1989. The Chairman of the Committee of Ministers and new Norwegian Minister of Foreign Affairs, Mr Bondevik, had sent a telegram to the Head of Government, Mr Brunhart, and the Chairman had sent a telegram to Prince Nicolas on behalf of all his colleagues.

Finally, the Chairman welcomed Mr Benedikt Jonnsson, Counsellor at the Icelandic Embassy in Paris, who would be the new Deputy Permanent Representative of Iceland, replacing Mrs Snaevarr, to whom he bade farewell, with thanks for her co-operation over the last few years and with all good wishes for her future career.

He also welcomed Miss Antonella Mularoni, coming from her Ministry as Deputy to the Permanent Representative of San Marino.

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Item 1

1.

ADOPTION OF THE AGENDA

The Representative of the Netherlands proposed that item 9 of the agenda (Draft Intergovernmental Programme of Activities for 1990) should be examined during the first part of the meeting.

The Representative of the United Kingdom wished an item to be added to the agenda to enable him to present briefly the report and recommendations of the Enlarged Rapporteur Group on Human Rights on the remuneration of the judges of the European Court of Human Rights, since the Deputies' approval was required before the text could be forwarded to the Budget Committee.

The Representative of Turkey said that, as far as item 10 of the agenda was concerned (Situation in Cyprus), the position of his delegation remained unchanged with regard to both the substance and the form.

Decision

The Deputies adopted the agenda for their 429th meeting (5-6 October - A level, 13 October - B level, 23-24 October - A level) as it appears at Appendix 1 to these Conclusions.

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Item 2

2.

POLITICAL ASPECTS OF EUROPEAN CO-OPERATION AND OF
CURRENT INTERNATIONAL EVENTS (RESOLUTION (84)21)

Preparation of the second quadripartite meeting between the Council
of Europe and the European Community

The Chairman recalled that the Netherlands' delegation suggested (428th meeting, item 2) that the Deputies give consideration at their present meeting to the topical issues which might be placed on the agenda of the second quadripartite meeting at the beginning of 1990. The following subjects have been suggested:

- the present discussion concerning the social dimension of the European Community in the light of the acquis of the European Social Charter,
- the Council of Europe's contribution to media questions, in the context of co-operation between the Council of Europe and the Community.

The Chairman noted that the second subject had already been raised at the present meeting when the Secretary General gave her oral report on the meeting in Paris on 2 October 1989 of the Ministers or Representatives of 26 European States on the setting up of an "Audiovisual EUREKA" (item 40.a).

The Representative of the Netherlands said that it was not the intention of his delegation to enter into a substantial discussion on the proposed subjects at the present meeting, but at one of the forthcoming meetings as close as possible to the date of the second quadripartite meeting.

The Secretary General felt that the second quadripartite meeting would not take place before February of 1990. In order to contribute to the preparation of this meeting it would be useful for the Ministers' Deputies to hold their traditional exchange of views with the Secretary General of the Commission of the European Communities, Mr Williamson, at their meeting in January 1990.

She agreed in principle with the two subjects proposed, other topics might be added subject to the developing political actuality.

The Representative of Portugal agreed with the remarks made by the Secretary General. His delegation felt that another subject for discussion could be:

- the accession of the Council of Europe to a future European Environmental Agency.

The Representative of San Marino said that his authorities felt very much concerned by:

- relations between the European Community and Council of Europe member States not belonging to the Community

and therefore suggested to include also this subject on the agenda. The Representative of Sweden supported the subjects proposed by the Netherlands. Social questions should be a main theme of the second quadripartite meeting. Her authorities were at present undertaking an analysis of the European Social Charter and the proposed Community Charter. The modernisation of the European Social Charter was a matter of urgency in order to bring the Charter up to date with the social and economic realities of today. This was also the best way to make the European Social Charter more attractive for the European Community.

With regard to the media, a well organised co-operation between the Council of Europe and the Community was essential.

The Representative of Austria said that his authorities would like to suggest the subject of

- complementarity between Council of Europe and Community action, and in particular in the cultural field.

It was important to combine the Council of Europe's "know how" with the Commission's budgetary means to act in the field of cultural co-operation.

The Representative of Spain felt that

- relations with Eastern European countries

was not only a topic, it also needed co-ordination and complementarity of the respective action of the two Organisations.

The Chairman agreed that there was still time to prepare the second quadripartite meeting to be held probably in February 1990. It might, however, be useful to submit for the consideration of the Ministers at their 85th Session the various proposals for possible agenda items to be raised at the quadripartite meeting.

Visit of a Delegation of the European Trade Union Confederation (ETUC)

In the context of the European social dimension the Chairman informed the Deputies of his meeting, on 27 September 1989, with a delegation of the European Trade Union Confederation (ETUC) on the occasion of its visit to the Council of Europe which was composed in particular of Mr Breit, President of ETUC and the German DGB, Mr Kaspar, Vice-President of ETUC and Secretary General of the French CFDT and Mr Hinterscheid, Luxembourg, Secretary General of ETUC. The following subjects were raised:

Social Charter

The visitors informed him of a keen interest in the intensification of relations between ETUC and the Council of Europe in the perspective of the internal market of 1993. ETUC attached a great importance to the

social dimension of Europe and for ETUC the social dimension was especially represented by the social fundamental rights and by legal standards, not only by political declarations without control mechanisms. In this context they wished to increase the weight of the Social Charter and to improve its control mechanisms. They insisted also on the ratification of this instrument by all member States. Other powers like the Trade Unions should be better associated in its control mechanism. It was stressed that the non-12 attached as much importance to the social policies as the 12 and that it was important that divergences between the Council of Europe and the European Community were avoided. The importance of the speech of Mr Delors before the Assembly during its last Session and the reply he gave to some questions about the Social Charter was stressed by the ETUC delegation.

Liaison Committee between the Council of Europe
and Management and Labour

The visitors were of the opinion that the set up and the functioning of the Liaison Committee between the Council of Europe and Management and Labour (LCML) constituted progress in these relations. This was a more positive assessment by ETUC than in the past. Furthermore they were of the opinion that the access of ETUC to Conferences of Specialised Ministers should be improved. ETUC was invited only to a few Conferences and wishes to be invited to all of them.

The Chairman promised his visitors to transmit to the Committee of Ministers the gist of the exchange of views. He added that they were very interested by Council of Europe's policy towards Eastern countries and in total agreement with the selective approach and the criteria applied. ETUC, of course, was also interested in relations with labour in these countries.

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Item 3

3.

COMMITTEE OF MINISTERS
Preparation of the 85th Session
(16 November 1989)
(Concl(89)428/3, CM(89)155 and Corr.)

Invitation of the Ministers for Foreign Affairs of Hungary and Poland

The Chairman informed the Deputies that following their decision taken at the 428th meeting (September 1989, item 3) the Chairman of the Committee of Ministers, Mr Stoltenberg, extended, on the occasion of the Session of the United Nations General Assembly, already orally the invitation to the Foreign Minister of Yugoslavia, Mr Loncar, to meet the Committee of Ministers on 16 November 1989.

Today the Deputies had to decide on the invitation to the Foreign Ministers of Hungary and Poland to meet the Committee of Ministers on 16 November on the occasion of the deposit of the instruments of accession to the European Cultural Convention. Such a meeting seemed to be the logical follow-up to the decision of 5 May 1989 by the Ministers to invite the two countries to accede to the Convention.

The Director of Political Affairs confirmed that both Hungary and Poland intended to accede to the Cultural Convention on 16 November. Poland will also sign the European Convention on Transfrontier Television and Hungary will probably do the same.

The Chairman noted, after the intervention of various delegations, that there was a consensus to invite the Ministers for Foreign Affairs of Hungary and Poland to meet the Committee of Ministers on 16 November.

Draft Programme of the 85th Session and associated events

The Chairman recalled that the preference given by a majority of delegations to the holding of the ministerial session as well as of the associated meetings and events in only one day, made it necessary to start as early as possible in the morning.

In order to have a first discussion on this important aspect of the preparation of the ministerial session at the present meeting, the Chair has asked the Secretariat to work out two alternate time schedules. Both alternatives provided for three separate meetings with the Foreign Ministers of Yugoslavia, Hungary and Poland respectively. These three meetings, as well as the restricted meeting of Ministers, Political Directors and Permanent Representatives, should take place during the morning, with the ceremony of accession by Hungary and Poland to the European Cultural Convention at 1 pm.

Alternative 1 foresaw 1½ hours for the restricted meeting; alternative 2 foresaw 2¼ hours for the restricted meeting and by consequence less time for the three exchanges of views with the invited Ministers.

The Representative of the Netherlands, supported by the Representative of the United Kingdom, underlined the importance of the restricted meeting and the time in general which should be spent by the Committee of Ministers to the internal affairs of the Organisation. His Minister was particularly interested in the follow-up to the Declaration and Resolution adopted on 5 May on the future role of the Council of Europe and in particular in the concrete progress made in the efforts to concentrate the intergovernmental activities and the adjustments to the Secretariat's structures required by new priorities and structures of intergovernmental co-operation.

The Chairman felt that alternative 2 would permit sufficient time to examine the questions relating to the Organisation's internal affairs which were of utmost importance.

He noted, however, from the intervention of other delegations, the political importance and the genuine interest of the Ministers in the exchange of views with the three invited Foreign Ministers.

He also noted that these exchanges of views should take place separately, in particular as far as Yugoslavia was concerned, taking into account the sui generis relation between the Council of Europe and this country. It also seemed difficult to meet the Foreign Ministers of Hungary and Poland together. Despite the fact that both countries were in the same position as far as the accession to the Cultural Convention and the development of co-operation with the Council of Europe in general were concerned, they might insist to have separate meetings with the Committee of Ministers. There was, however, the possibility to have a more general discussion on the development of European co-operation over lunch to which all the three Ministers could be invited.

The Chairman agreed with those who said that the formal sitting of the Committee of Ministers should be kept as short as possible, in particular as far as the presentation of the reports on the progress of European co-operation (European Community, EFTA and Council of Europe) was concerned, in order to have as much time as possible for the restricted meeting which could also include an evaluation of the exchange of views with the three Ministers.

He also agreed with the general appeal to keep the timetable of 16 November flexible to make the best possible use of the time available. With this in mind the Deputies might wish to resume the discussion during the second part of the present meeting (23 and 24 October) on the basis of alternative 2:

- 8.45 Opening for signature of the Anti-doping Convention and the Protocol to the Convention on the Elaboration of a European Pharmacopoeia
- 9.00 - 9.45 Exchange of views of the Committee of Ministers with the Minister for Foreign Affairs of Yugoslavia

- 9.45 - 12.00 85th Session of the Committee of Ministers
. Restricted meeting - in particular item 2 on relations with Eastern Europe, and follow-up to the Declaration and Resolution adopted on 5 May 1989 (Ministers, Political Directors, Permanent Representatives)
- 12.00 - 12.30 Exchange of views of the Committee of Ministers with the Minister for Foreign Affairs of Hungary
- 12.30 - 13.00 Exchange of views of the Committee of Ministers with the Minister for Foreign Affairs of Poland
- 13.00 Ceremony of accession by Hungary and Poland to the European Cultural Convention
- 13.15
. Working lunch with participation of the Foreign Ministers of Yugoslavia, Hungary and Poland offered by the Chairman of the Committee of Ministers
. Working lunch of the Political Directors and Permanent Representatives
- 14.50 Press Conference of the Chairman of the Committee of Ministers
- 15.15 85th Session of the Committee of Ministers
. Formal sitting
- 16.30 Colloquy with Assembly representatives

With regard to the working lunch of the Political Directors and Permanent Representatives, the Director of Political Affairs recalled that at the first quadripartite meeting in July the importance of continuous pooling of information and evaluation between both European Political Co-operation and Council of Europe action in policy towards Eastern Europe was emphasised. Preliminary contacts have been established to this end with the Head of the European Political Co-operation Secretariat. A working lunch with the participation of Political Directors from all member countries could provide an important contribution to the concertation between Community and non-Community countries.

It might further be of interest for the preparation of the discussions of Ministers and Political Directors to receive information from a representative of the Commission of the European Communities on the preparation of the economic assistance programme to Hungary and Poland by the Group of 24 countries under co-ordination by the Commission (following a decision taken at the Economic Summit meeting in July in Paris). If the Deputies did agree, such a representative could be invited to one of their preparatory meetings to the 85th Session of the Committee of Ministers.

The Chairman noted that there was consensus to invite the Ministers of Foreign Affairs of Hungary and Poland. With regard to the timetable of the Session and the associated events, a majority of delegations gave preference to alternative 2 which provided a maximum of time to the restricted meeting of Ministers, Political Directors and Permanent Representatives; this was, however, an indicative timetable to maintain a certain flexibility in the organisation of the programme for 16 November. The Deputies will resume consideration of this question at the second part (23-24 October) of their present meeting. On that occasion they will also consider the proposal to invite a representative from the Commission of the European Communities with a view to providing information on the economic assistance programme of the Group of 24 for Poland and Hungary. Such information could be useful for the preparation of the discussions of the Ministers and Political Directors on the occasion of the 85th Session.

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[Discussions on this item were resumed at the second part of the meeting at A level on 24 November 1989].

Provisional agenda
(formal sitting and restricted meeting)

In reply to a question from the Representative of Switzerland, the Chairman recalled that the reports by the President of the Council of Ministers of the European Communities (France), the Chairman of EFTA (Iceland) and the Secretary General of the Council of Europe, included under item 3 (political aspects of European co-operation) for the formal sitting should be submitted in writing in good time and should not require to be presented orally, so as to permit discussions under this item on the agenda to be concentrated on certain relevant points arising from the written reports. Concerning the discussion in the restricted meeting, this would not be devoted solely to item 2 on the agenda (East-West relations and co-operation between the Council of Europe and the countries of Eastern Europe) but would also, if necessary, concern itself with certain aspects of the follow-up to the Declaration and Resolution (89)40 on the Future Role of the Council of Europe in European construction (item 3 a on the agenda).

Meetings with the Ministers of Foreign Affairs of Yugoslavia, Hungary and Poland and timetable of work

The Chairman noted that a majority of the delegations wished to allot equal time to the separate meetings with the Ministers of Foreign Affairs of Yugoslavia, Hungary and Poland. Taking account of the wish of the majority for meetings to begin at 9.30 in the morning and allowing two hours for the restricted meeting, this would leave 30 minutes for each meeting. However, the Chairman recalled that several delegations had emphasised the desirability of retaining a certain flexibility in the timetable.

The Chairman also confirmed that an interpretation system would be set up during the Ministers lunch to enable the guests to continue their discussion.

Colloquy

The Chairman announced that he had informed the President of the Assembly of the constraints imposed by the organisation of the work timetable for 16 November. President Björck earnestly hoped that in spite of the late hour of the Colloquy (4.30 pm) a large number of Ministers would still be present for this unique annual occasion which would enable the representatives to the Assembly to have a direct dialogue with the whole of the Committee of Ministers.

With this in mind, President Björck also recalled the Declaration and Resolution (89)40 adopted by the Committee of Ministers on 5 May 1989 which clearly underlined the importance of close and sustained relations between the Committee of Ministers and the Assembly.

The Chairman of the Deputies felt that for this reason, as well as to take account of the Assembly's important work in relations with countries of Eastern Europe, President Björck should, on the invitation of the Chairman of the Committee of Ministers, participate in the working lunch with the Ministers of Foreign Affairs of Yugoslavia, Hungary and Poland.

Ceremony of accession to the European Cultural Convention and opening of Conventions for signature

The Director of Political Affairs announced that the Minister of Foreign Affairs of Poland, following the ceremony of accession to the Cultural Convention, would also sign the European Convention on Transfrontier Television. It was very likely that the Minister of Foreign Affairs of Hungary would do the same.

The Chairman noted that several delegations had emphasised the media importance of the opening for signature of the Anti-doping Convention and the Protocol to the Convention on the Elaboration of a European Pharmacopoeia.

He suggested that the opening for signature should, if necessary, be scheduled to take place immediately after the press Conference of the Chairman of the Committee of Ministers at the beginning of the afternoon. A final decision would be taken on this point as soon as the exact number of delegations intending to sign was known.

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The Ministers' Deputies carried out an initial tour de table on Ministerial participation and the intention to sign the above mentioned Convention and Protocol.

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The Chairman noted that there was agreement, with a view to the preparation of discussions on East-West relations at the various meetings on the occasion of the 85th session of the Committee of Ministers, that a representative of the Commission of the European Communities should be invited to the 430th meeting of the Deputies (probably on 7 November) to inform them of the programme of economic assistance from the group of 24 for Hungary and Poland.

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Development of contacts and intergovernmental co-operation with the Soviet Union

The Director of Political Affairs gave an oral report on the work of the Council of Europe/USSR contact group and in particular on this Group's second meeting held in Moscow on 19 and 20 October 1989 (this oral report is reproduced in the Confidential Addendum I to these Conclusions, a preliminary copy of which was sent on 26 October 1989 to the Heads of delegation).

A confidential Aide-mémoire on the results of the Contact Group's exploratory mission, approved by both sides on 20 October 1989, was also distributed to the delegations (dated 23 October 1989).

The Chairman recalled in this context that the United Nations General Assembly adopted on 17 October 1989 a Resolution providing observer status for the Council of Europe in the General Assembly. On this occasion the Representative of the Soviet Union very warmly welcomed this request for observer status, underlining the important role which the Council of Europe will play in the building of a common European home and stressing that the development of co-operation between the United Nations and the Council of Europe will promote wider use of the potential of the United Nations in the interest of all its members and also serve to ensure mutual interaction between the United Nations and regional organisations in easing hotbeds of tension and conflicts and in bringing about an improvement in the political climate in the various regions of the world.

The Chairman recognised that the Council of Europe found in the Soviet Union an excellent co-sponsor and advocate of its role and interests.

The Chairman, referring to the question of the development of co-operation with the Soviet Union which would be treated under item 2a of the provisional agenda and at the restricted meeting of the 85th Session, recalled that the Aide-mémoire of 23 October 1989 would be given an initial examination by the Enlarged Working Party of the Deputies on Relations with Countries of Eastern Europe on the morning of 6 November and subsequently at the 430th meeting of the Deputies on 6 and 7 November 1989. The aim of this examination would be to finalise certain draft decisions concerning the substance and the rhythm of development of this co-operation, which would be submitted for examination and possible adoption by the Ministers on 16 November. To prepare such drafts and decisions, the Deputies should have at their disposal both instructions from their capitals and also any further indications that the Secretariat might usefully provide to this end.

Decisions

The Deputies

1. agreed to the Chairman of the Committee of Ministers inviting the Ministers for Foreign Affairs of Hungary and Poland to meet the Committee of Ministers on 16 November 1989, on the occasion of its 85th Session and these countries' accession to the European Cultural Convention;
2. agreed on the appended timetable for the session and the associated meetings and events;
3. agreed to invite a representative of the Commission of the European Communities to their 430th meeting (6 and 7 November 1989) to provide information on the programme of economic assistance for Hungary and Poland of the Group of 24;
4. instructed the Secretariat to prepare, on the basis of discussions and decisions at the present meeting, a draft annotated agenda for examination at their 430th meeting (6 and 7 November 1989);
5. agreed to resume preparation of the 85th session of the Committee of Ministers at their 430th meeting (6 and 7 November 1989).

APPENDIXDRAFT PROGRAMME OF THE 85TH SESSION OF THE COMMITTEE OF MINISTERS
AND ASSOCIATED EVENTS
(16 November 1989)

- | | |
|---|---|
| [9.15
(Room 40) | Opening for signature of the Anti-doping Convention and the Protocol to the Convention on the Elaboration of a European Pharmacopoeia] (1) |
| 9.30 - 10.00
(Committee of Ministers' meeting room) | Exchange of views of the Committee of Ministers with the Minister for Foreign Affairs of Yugoslavia |
| 10.00 - 12.00
(Committee of Ministers' meeting room) | 85th Session of the Committee of Ministers
. Restricted meeting - in particular item 2 on relations with Eastern Europe, and follow-up to the Declaration and Resolution adopted on 5 May 1989 (Ministers, Political Directors, Permanent Representatives) |
| 12.00 - 12.30
(Committee of Ministers' meeting room) | Exchange of views of the Committee of Ministers with the Minister for Foreign Affairs of Hungary |
| 12.30 - 13.00
(Committee of Ministers' meeting room) | Exchange of views of the Committee of Ministers with the Minister for Foreign Affairs of Poland |
| 13.00
(Committee of Ministers' Ante-room) | Ceremony of accession by Hungary and Poland to the European Cultural Convention [Signature of the European Convention on Transfrontier Television] |
| 13.15
[Council of Europe Restaurant] | . Working lunch with the participation of the Foreign Ministers of Yugoslavia, Hungary and Poland offered by the Chairman of the Committee of Ministers

. Working lunch of the Political Directors and Permanent Representatives |
| 14.50
(Room ...) | Press Conference of the Chairman of the the Committee of Ministers |
| [15.15
(...)] | Opening for signature of the Anti-doping Convention and the Protocol to the Convention on the Elaboration of a European Pharmacopoeia] (1) |
| 15.30
(Committee of Ministers' meeting room) | 85th Session of the Committee of Ministers
. Formal sitting |
| 16.30
(Room ...) | Colloquy with Assembly representatives |

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Item 4a

4.

CONSULTATIVE ASSEMBLY
3rd Part of the 41st ordinary Session
(Strasbourg, September 1989)

a.

Texts adopted

Recommendation 1111 (1989) on the European dimension of education

Decision

The Deputies agreed to examine this Recommendation at A level at their 431st meeting (November/December 1989).

Recommendation 1112 (1989) on East-West co-operation at the close of the 20th century (general policy of the Council of Europe)

Decisions

The Deputies

1. agreed to proceed to a preliminary examination of this Recommendation at their 430th meeting (6-7 November 1989);
2. agreed to include Recommendation 1112 in the file of the 85th Session of the Committee of Ministers (16 November 1989);
3. agreed to resume consideration of this Recommendation at A level at their 431st meeting (November/December 1989), with a view to adopting a reply to the Assembly.

Recommendation 1113 (1989) on the information policy of the Council of Europe

Decision

The Deputies agreed to examine this Recommendation at A level at their 431st meeting (November/December 1989).

Recommendation 1114 (1989) on the situation of minorities in Romania

Decision

The Deputies agreed to examine this Recommendation at A level at their 430th meeting (6-7 November 1989).

Recommendation 1115 (1989) on transfrontier movements of toxic waste

Decision

The Deputies agreed to examine Recommendation 1115 at their 430th meeting (6-7 November 1989).

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Recommendation 1116 (1989) on AIDS and human rights
Recommendation 1117 (1989) on the condition of transsexuals

Decision

The Deputies agreed to examine these Recommendations at B level at their 431st meeting (November/December 1989).

Resolution 922 (1989) on the return of Chilean exiles
Resolution 923 (1989) on peace prospects in the Middle East
Resolution 924 (1989) in reply to the 27th and 28th annual reports (1987 and 1988) on the activities of the European Free Trade Association (EFTA)
Resolution 925 (1989) on Southern Expansion of "Economic Europe" and the integration of Cyprus, Malta, Turkey and Yugoslavia in the European Economic Space
Resolution 926 (1989) on the danger of climatic changes and the protection of the ozone layer
Resolution 927 (1989) on the situation of Ethnic and Muslim minority in Bulgaria
Resolution 928 (1989) on the arms sales and human rights
Resolution 929 (1989) on the future of whaling
Resolution 930 (1989) in reply to the report on the activities of the Organisation for Economic Co-operation and Development (OECD) in 1988

Decision

The Deputies took note of these Resolutions.

Order No. 448 (1989) on the protection of non-smokers in the Council of Europe
Order No. 449 (1989) on the return to democracy in Chile
Order No. 450 (1989) on improving the impact of the activities of the Parliamentary Assembly of the Council of Europe

Decision

The Deputies took note of these Orders.

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Item 4b

b.

Evaluation of the Session

The Deputy Clerk of the Assembly said that the 3rd Part Session of the 41st ordinary Session of the Assembly held between 21-29 September 1989, had been an interesting Session during which seven Recommendations, nine Resolutions and three Orders had been adopted by the Assembly.

The texts adopted by the Assembly (see also under item 4a above) related mainly to the following subjects:

- East-West relations,
- human rights matters, including texts on the situation in some of the Eastern European countries,
- environment,
- economic matters (EFTA and OECD reports).

A number of texts had also been adopted by the Assembly concerning the European dimension of education, the information policy of the Council of Europe, the situation in the Middle East etc.

The Deputy Clerk recalled that the draft Recommendation on minimum revenue had not been adopted by the Assembly in spite of the two roll calls that had been held.

He referred to the "guillotine" procedure used during the last part Session of the Assembly and admitted that parliamentarians had not always been happy with the recourse to such a method but in view of the interest shown in the debates and the number of parliamentarians who had expressed a wish to take the floor, this method had to be used on more than one occasion.

The Deputy Clerk further recalled that a number of important personalities had addressed the Assembly and referred to the statements made by Mr Stoltenberg, Chairman of the Committee of Ministers, Mr Delors, President of the Commission of the European Communities, Mr Hannibalsson, President of the EFTA Council, Mr Özal, Prime Minister of Turkey and Mr Paye, Secretary General of the OECD. The Assembly had appreciated the statements that they had made and the exchange of views that had followed.

The delegations from Eastern European countries and from Yugoslavia who had attended the part Session as special guests, had taken the floor in the debates on the Middle East, the European dimension of education, EFTA etc. The Assembly committees had welcomed them; the Committee on Environment had in fact extended a permanent invitation to the special guests; the Legal Affairs Committee agreed that they could attend its meetings on an ad hoc basis.

Finally, the Deputy Clerk referred to the meeting of the Joint Working Party of the Ministers' Deputies and Assembly Representatives held on 28 September 1989, and to the meeting of the Steering Committee of the Strasbourg Conference on Parliamentary Democracy.

The Chairman informed the Deputies that, at the invitation of President Björck, the Bureau of the Ministers' Deputies had attended the first meeting of the Joint Working Party on relations between the Assembly and the Committee of Ministers. Participants had agreed to keep such meetings very informal and pragmatic. On the Assembly side President Björck had been accompanied by Vice-President Martinez. The following matters had been considered:

- relations with Eastern countries including budgetary problems relating to them;
- preparation of the Enlarged Joint Committee meeting ("Colloquy") on the occasion of the 85th Session of the Committee of Ministers on 16 November 1989; and
- seating arrangements in the Hemicycle during Assembly Sessions.

The Chairman said that Mr Björck had confirmed the invitation extended to the Polish Prime Minister for the 4th part Session of the Assembly in January/February 1990. The Chairman had informed Messrs. Björck and Martinez of the outcome of the first meeting of the Joint Working Party between high ranking officials of the Ministry for Foreign Affairs of the Soviet Union and of the Council of Europe, of the invitation extended to the Minister for Foreign Affairs of Yugoslavia, Mr. Lončar, to have an exchange of views with the Committee of Ministers on 16 November 1989 and of the intention of the Committee of Ministers to invite the Hungarian and Polish Ministers for Foreign Affairs on the occasion of the accession of their countries to the European Cultural Convention.

Mr Björck had informed the Bureau of the Deputies of his planned official visits to Budapest on 1-3 November 1989 and to Warsaw in December 1989. He had also informed the Bureau about the serious budgetary problems he was confronted with, as President of the Assembly, due to relations with Eastern European countries and especially since some of them enjoyed now special guest status within the Assembly. He had stressed the need to find solutions to these problems for the future.

The Chairman pointed out that the Secretary General would soon present to the Committee of Ministers a new Vote IX in the budget covering the different budgetary aspects regarding relations with Eastern European countries.

As regards the preparation of the Colloquy to be held on 16 November 1989, the Assembly representatives had expressed a preference to have the Colloquy in the afternoon and had proposed the following theme: "Relations with Eastern European countries" including their budgetary aspects which would no doubt be raised by the Assembly representatives.

As regards seating arrangements in the Assembly, the Chairman informed the Deputies that a solution had been found; the President of the Assembly had proposed that for all sessions of the Assembly, ordinary and extraordinary alike, the extreme left segment of the Hemicycle (when facing the rostrum) would be reserved for delegations to the Committee of Ministers, a limited number of seats being reserved for staff members at the disposal of the Secretary General and Deputy Secretary General. The Secretariat would occupy the extreme right wing. This proposal had seemed acceptable to the Chairman.

Finally, the Chairman said that the meeting with Messrs. Björck and Martinez had taken place in a relaxed climate of openness and confidence.

Referring to the meeting of the Steering Committee of the Strasbourg Conference on Parliamentary Democracy, the Chairman informed the Deputies that he had attended the meeting held on 28 September 1989 as an observer in his capacity as Chairman of the Deputies. The Steering Committee had considered matters concerning the preparation of the 3rd Conference planned for 1991 for which dates and themes remained to be fixed. It had decided on the setting-up of an International Institute for democracy in Strasbourg and had adopted the Statute which had been signed.

The Representative of Denmark expressed his gratitude to the Deputy Clerk for the extensive report he had made.

He also referred to the "guillotine" method and noted that some of the parliamentarians had been rather disappointed as they could not address the Assembly and/or that they had to cut their statements short in view of the lack of time.

The Deputy Clerk informed the Deputies that an Assembly delegation would meet a European Parliament delegation on 1 December 1989 in Paris with a view to discussing matters of common interest.

He further informed the Deputies that at the 4th part Session of the Assembly between 29 January and 2 February 1990, Mr Vassiliou, President of the Republic of Cyprus and Mr Mazowiecki, Prime Minister of Poland, would address the Assembly.

c.

Parliamentary questions for oral answer by the
Chairman of the Committee of Ministers

No delegation wished to make a statement under this item.

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Item 5

5.

COMMISSION FOR DEMOCRACY THROUGH LAW
(Concl(89)428/39, CM(89)82)

The Representatives of the Federal Republic of Germany and France said that they were satisfied with the explanations received at the informal meeting with the Deputy Secretary General and the Director of Legal Affairs on 21 September 1989 on the holding of the constitutive meeting of the Preparatory Commission for Democracy through Law, which was to take place at a date still to be decided between 10 and 20 January 1990. Their authorities took a very positive view of participation in the Commission, though this was subject to confirmation in the light of the forthcoming constitutive meeting in Venice.

The Representative of Finland confirmed his authorities' intention of taking part in the Commission's work.

The Representative of Denmark announced his country's intention of sending a delegation to the constitutive meeting in Venice.

The Representative of Austria confirmed that a delegation from his country would attend the meeting in Venice and expressed a preference for a date after 16 January 1990.

The Representatives of Sweden and Norway said that they were interested in principle in participating in the Commission's work, but reserved their authorities' position until after the meeting in Venice.

In reply to a question by the Representative of Sweden, the Deputy Secretary General said that there had not been any question up to now of setting up the Commission in the form of a Partial Agreement.

The Commission was intended to be an independent committee placed under the auspices of the Council of Europe. It could be asked by the Committee of Ministers and the member States to express opinions, would report to the Committee of Ministers and would draw on the know-how and conceptual support provided by the Organisation's Secretariat. It was understood that administrative secretariat duties would be carried out by staff made available on the spot by the Italian authorities.

That being said, it was obviously not excluded that, in the light of experience, consideration would subsequently be given to the setting up of a Partial Agreement.

The Representative of Italy confirmed that the constitutive meeting of the Preparatory Commission would take place in Venice at a date between 10 and 20 January 1990. Italy would provide logistical support for the meeting, but all States were asked to contribute their views and ideas.

Although the States concerned were obviously free to choose their representatives, it would be helpful, in order to make a success of the Venice meeting and to enable the Preparatory Commission to be set up, if national delegations at the Venice meeting included, in addition to government representatives, a prominent personality likely to become a member of the Commission.

The Representative of the Netherlands said that his authorities had not yet taken a decision about the Netherlands' participation in the Commission's activities.

In reply to a question by the Representative of the Netherlands, the Representative of Italy said that attendance at the constitutive meeting in Venice did not necessarily entail participation in the Commission's work.

The Chairman was convinced that delegations had taken good note of the recommendations made by the Representative of Italy concerning the membership of national delegations at the meeting in Venice.

Decision

The Deputies invited those States wishing to participate in the meeting of the "Preparatory Commission for Democracy through Law", to be held in Venice sometime between 10 and 20 January 1990, to designate their representatives and forward their names to the Secretariat.

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Item 6

6.

SITUATION OF REFUGEES OF BULGARIAN NATIONALITY IN TURKEY
Assembly Recommendation 1109
(Concl(89)428/4a)

The Chairman referred to the reply given by the Chairman of the Committee of Ministers, Mr Stoltenberg, to the Parliamentary question by Mr Tasçioglu at the last part Session of the Assembly, concerning the situation of refugees of Bulgarian nationality in Turkey, and recalled that Mr Stoltenberg, speaking in his capacity as the Norwegian Minister for Foreign Affairs, had said inter alia that his government had provided humanitarian aid and relief to the refugees as well as taking a number of measures at political level.

The Representative of the United Kingdom said that the British government were very concerned about the plight of the Turkish minority in Bulgaria. They had expressed this concern directly to the Bulgarian government, and had invoked Stage I of the Human Dimension Mechanism of the CSCE Vienna Concluding Document.

His delegation endorsed Assembly Recommendation 1109 and its hope for a constructive dialogue between Turkey and Bulgaria and the negotiation of an emigration agreement between them.

His authorities believed that the root of the problem was Bulgaria's treatment of its minorities. Therefore the British government called upon Bulgaria to stop the harrassment of its minorities, in particular its policy of changing the names of those of Turkish origin, and urged the Bulgarian authorities to abide by the international human rights agreements to which they were a party.

His authorities were mindful of the needs of all refugees in Turkey. On 25 July 1989 the United Kingdom had donated £300,000 to the relief programme run by the Turkish Red Crescent (TRC). This was in addition to the sum of £250,000 given to the TRC in November 1988. The United Kingdom would urge other countries to consider similar action.

The Representative of the United Kingdom added that his authorities would also urge Turkey to come to an early agreement with the United Nations High Commissioner for Refugees (UNHCR) and other international aid organisations, so that countries whose legislation forbade the bilateral donation of funds to sovereign governments, might contribute to an international appeal.

The Representative of France said that his government had also expressed concern on the situation of refugees of Bulgarian nationality in Turkey not only at the Council of Europe but also at the meetings of the Council of Ministers of the European Community. The French government considered the situation very serious; the number of people who had migrated to Turkey had reached considerable proportions; those who had left Bulgaria had no doubt material and psychological problems. In the opinion of his authorities the migration of the refugees from Bulgaria to Turkey constituted a lack of respect of their cultural identity and religious freedoms by the Bulgarian authorities.

The Representative of France recalled that when Mr Dumas, the French Minister for Foreign Affairs, addressed the CSCE meeting held in Paris in June this year, he had made the following statement:

"Equally, we can only disapprove of forced assimilation policies and circumstances leading to the massive movements of populations. Just when we were meeting to assess progress made in the human field, thousands of people had had to leave their country because of their origins or their religion. In the name of France, I ask that the Bulgarian authorities do everything to stop this exodus and that conditions be established to enable those concerned to retain their own identity.

We hope that the measures taken by the Sofia and Ankara governments to deal with this difficult and painful issue will be implemented in a spirit of peace and co-operation. European history has too many examples of how such situations can degenerate into serious crises or even conflicts for any of us to feel unaffected or to fail to call on the countries concerned, wherever such situations occur, to seek a human and lasting solution on the basis of the CSCE principles and international law.

In considering such problems, our attitude is in no sense dictated by aggressive motives or a wish to interfere; however, the great movement which must lead to a reconciled and united Europe finds itself impeded by attitudes which are contrary to the Helsinki and Vienna spirit.

The terms of reference for our meeting invited us to evaluate the machinery established in Vienna. This had worked, but it is still too soon to make a proper assessment of its results and inadequacies. From now on, we must exploit all the opportunities this machinery offers, while constantly bearing in mind that it must be used in a spirit of co-operation and not of confrontation".

The Representative of France added that Mr Dumas' statement clearly showed how his government had reacted to the plight of the refugees from Bulgaria. Finally he expressed the hope that the parties concerned would resolve their differences by means of a negotiated settlement.

The Representative of Turkey expressed his gratitude to the Representatives of the United Kingdom and France for the clear stand they had taken. Their statements as well as the reply given by the Chairman of the Committee of Ministers at the last part Session of the Assembly to Mr Tasçioglu's question might serve as a basis for a reply to the Assembly.

The Representative of Turkey added that his authorities had always been in favour of a bilateral negotiated settlement to resolve the problem of the refugees. The Turkish government did not wish to have a crisis with Bulgaria on this matter; it had always sought (and would continue to do so) to settle the matter by means of a bilateral negotiated migration agreement.

The Chairman concluded discussions under this item by saying that a draft reply would be prepared by the Secretariat in the light of the discussions held and the information provided, for consideration at the 430th meeting of the Deputies (6-7 November 1989).

Decision

The Deputies agreed to resume consideration of this item at their 430th meeting (6-7 November 1989) with a view to adopting a reply to the Assembly.

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Item 7

7.

UNDERWATER CULTURAL HERITAGE
Written Question No. 303 by Mr van der Werff
(Concl(89)426/9 and 428/11, CM(88)59 and 214, CM(89)65)

The Representative of Greece asked that the opinion by the European Committee on Legal Co-operation (CDCJ) (CM(88)214, para. 93) be quoted in extenso in the reply to Mr van der Werff to make it more balanced. It was important not to confuse the issue of the adoption of the draft Convention on the Protection of the Underwater Cultural Heritage and its opening for signature. He believed that there was the required majority in favour of the adoption of the draft Convention. This latter fact could be mentioned in the reply.

As regards the proposed group of specialists on archaeological research, he could accept a consensus decision, subject to the phrase being added that the group would "not involve itself in political and legal issues and without prejudicing the content of the draft Convention on the Protection of the Underwater Cultural Heritage".

The Representative of Turkey could agree to the creation of the group so long as it had a strictly technical mandate and did not involve itself in political and legal issues.

The Director of Legal Affairs recalled the history of the draft Convention which was first submitted to the Committee of Ministers in 1985. The adoption of such a text required a two-thirds majority of the representatives casting a vote, whereas the opening for signature required an absence of objection. Since one State had indicated during the discussion on the draft Convention that it would object to the opening for signature, the draft Convention had never been the subject of a vote and therefore had never been adopted.

As regards the opinion of the CDCJ, which contained a recommendation that regional agreements be concluded on the basis of the substantive provisions of the existing draft Convention, an exchange of views within the Committee of Ministers had made it clear that such action could not be envisaged at present. The inclusion of the CDCJ's opinion in extenso could therefore cause problems for certain delegations. He recalled in this context that the adoption of a reply to Mr van der Werff's question required unanimity.

The Representative of Turkey suggested that in the reply it be stated that "due to the procedural requirements for the adoption of a Convention by the Committee of Ministers and its opening for signature, it has not yet been possible to adopt the draft Convention ..."

The Chairman suggested that the Secretariat try to draft a reply acceptable to all delegations which could be re-submitted to the Deputies for their further consideration at this meeting.

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At a later stage of the meeting, the Chairman noted that two proposals for a reply had been circulated, respectively by the Delegation of Greece and by the Delegation of Turkey. Unfortunately, it had not been possible to arrive at a common text acceptable to all delegations. There were now two options: (1) He could write to the President of the Assembly informing him that the Committee of Ministers had been unable to agree on a reply to the Written Question; or (2) the Deputies could continue efforts to reach a compromise. The prospects for the second option had to be considered as bleak.

The Representative of the Netherlands supported the first option.

The Representative of Greece believed that the text which his delegation had circulated was a reasonable and balanced one, reflecting the opinions of the two technical committees, and referring to the opening for signature only. Nevertheless, he was ready to accept the decision of the Committee of Ministers.

The Representative of Turkey regretted that it had not been possible to agree on a joint text. His delegation was ready to accept the original proposal by the Secretariat with some minor amendments. The text proposed by the Greek delegation was unacceptable.

Summing up the discussions, the Chairman concluded that since a consensus could not be obtained on the text of a reply to Written Question No. 303 by Mr van der Werff, he would send a letter to the President of the Assembly, the text of which would read as follows:

"I have the honour to inform you that the Committee of Ministers has been unable to agree on a reply to Written Question No. 303 by Mr van der Werff".

He also recalled that this answer did not put an end to consideration of the draft Convention on the Protection of the Underwater Cultural Heritage by the Ministers' Deputies.

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Item 8a

8.

NORTH-SOUTH

a.

Africa-Europe Encounter
(Porto Novo, Benin, 31 August - 3 September 1989)
(Concl(89)428/7 and CM(89)171)

The Representative of Belgium said that the Africa-Europe Encounter, which had taken place in Benin from 31 August to 3 September 1989, had comprised two main elements:

- discussion of four broad themes in plenary session, which had led to the adoption of a number of proposals and the "Porto Novo Declaration";
- the public forum on human rights.
The report drawn up by the Secretariat (CM(89)171) was in every respect a remarkable document which gave a faithful account of the Encounter.

The debates on the four broad themes had produced the results which might have been expected and even more, judging by the "proposals for action".

Some of the contributions by Third World speakers had provided a remarkable analysis of the problems, and this was reflected in the proposals.

In general the spirit of the discussions had been very open and constructive. Criticisms of the developed world had been made in moderate tones but had been accompanied by African self-criticism: too much of the South's limited resources was spent on arms, whereas investment in scientific research was absolutely insignificant.

On the other hand, the Representative of Belgium regretted that the personal representative of the Director General of a large international organisation had repeatedly taken the floor in that capacity but had spoken rather as an embittered advocate of the new economic order of the 1970s, which had been a failure. He had even claimed that the economic development of the South must come first and that there would then be time to think about human rights later.

The Representative of Belgium informed the Deputies that the initial plan of drawing up a Charter had been rightly abandoned, as it made no provision for any legal constraints.

The Declaration could be filed away once it had been read, like so many other declarations which would never be followed up, but this would not be very fair. It was important to remember that this document was above all a declaration emanating from the South and

drawn up after very free discussions held in Africa itself. The point about the transformation of the State was important, while the remarks about the rule of law, social cohesion and the democratic form of the State did not belong to the type of language usually employed in the South. Much of the credit for this belonged to the Council of Europe, since it was the direct result of the public forum on human rights, which had unquestionably been the highlight of the Encounter.

With his professional experience in Africa, the Representative of Belgium could not have imagined that such a forum could take place in the South in the way it had in Porto Novo. The account given on page 9 of the report was by no means an exaggeration.

The forum had really been a public event and the large audience had noisily expressed their agreement with all, sometimes violent, criticisms of human rights violations, not only in Benin but also in other African countries. There were also criticisms of the North (with references to the slave trade in the past and the attitude towards immigrants and the old today).

However, these criticisms were not purely negative. Speakers had insisted on the need not only to apply the African Charter effectively but also to improve it substantially and to allow the African Commission on Human and People's Rights to play its role without hindrance by governments.

The participants had also insisted on the principle that calling on a State to respect human rights did not constitute an unacceptable interference in its domestic affairs.

After criticising the North, they had spoken of the need to follow the European example of applying the European Convention of Human Rights, with a view to improving African legislation and the African human rights record. The proposals for action set out on pages 21 and 22 of the report represented the conclusions of this forum.

The total freedom of expression had been largely due to the presence of the Council of Europe and the conditions for its co-operation which the Council had imposed through its Secretary General.

The results of the forum were sufficient in themselves to make the Encounter worthwhile, and the general amnesty decreed by the President of the Republic of Benin was a result of which the Council of Europe could be proud. There was obviously uncertainty about whether the release of political prisoners would be definitive. Only the future would reveal this, but several public figures in Benin thought that it would. For them the impact of the Council of Europe had been so important that a complete return to the past was impossible, especially as the last proposal for action was that the forum should be reconvened periodically to take stock of developments in the human rights situation in Africa.

The Representative of Belgium referred to the role of the future Lisbon Centre. The enthusiasm and success of the forum had led many representatives of the South to expect too much of the Centre, assigning it a role which could not be countenanced (establishment of

the centre or a branch agency in Africa and substantial participation by the South in defining the Centre's role and drawing up its programme). The situation had required a very clear explanation by the Director of Political Affairs, Mr Furrer, of the Centre's origins and aims.

This did not exclude co-operation with the South. On the contrary, Article 1 of the Centre's statute established several functions which could be carried out in co-operation with the appropriate Third World organisations.

After his experience in Porto Novo, the Representative of Belgium was convinced that one such organisation should be the World Social Prospects Study Association and, more specifically, its African centre in Porto Novo. There was obviously a need for caution and selectivity with regard to the proposals which this association would undoubtedly make. Through this co-operation the Centre should try above all to promote respect for human rights, which was without any doubt one of the aspirations of the Third World.

Finally, the Representative of Belgium paid tribute to, and thanked, the Director of Political Affairs and his colleagues who had gone to Porto Novo, for the hard work they had put in at the Encounter in very difficult physical and material conditions.

To say that the Encounter had been organised by the World Social Prospects Association in co-operation with the Council of Europe and the OAU was a polite fiction adopted in deference to the other two organisations, as in fact nearly all the work had been carried out by the Secretariat. However, an exception had to be made for the Chairman of the Encounter, Mr A. Tevoedjre, former minister and former Deputy Director General of the ILO, an outstanding figure whose efforts at the head of the Pan-African Centre for the Study of Social Prospects deserved to be supported as a priority by the Lisbon Centre.

The Chairman recalled that he had been prevented from attending the Encounter, and expressed his gratitude in the name of the Deputies to the Representative of Belgium for having represented the Committee of Ministers in Porto Novo.

The Representative of Portugal said that he had attended the Encounter and expressed his agreement with the conclusions of the Representative of Belgium, in particular those on the Porto Novo Declaration. He also expressed his gratitude to the Secretariat for the excellent organisation and the work carried out. The essential aspect of the event had been the discussions on the subject of human rights and the emphasis laid on the matter in the Declaration.

The Representative of Norway recalled that the Norwegian Chairmanship of the Committee of Ministers had been represented at the Encounter by Mr Vraalsen who was an experienced person on questions concerning North-South issues. Mr Vraalsen's conclusions were that the agenda of the Encounter was rather over-loaded and that it was difficult to have a real dialogue at such an occasion with the representatives of the South. It was evident that matters relating to North-South issues required a lot of resources and specific experience in the field.

The Director of Political Affairs expressed his gratitude to the Representative of Belgium for his detailed report, and that he had been present throughout the Encounter and had actively participated in every one of the sessions. One of the characteristics of the Encounter was that it was not organised and conducted on the basis of the model of various United Nations meetings where the representatives of the North had a tendency to tell their counterparts from the South what to do or what not to do, and where the representatives of the South only expressed the position of their governments. The Encounter had provided the participants with an opportunity to have a free and frank dialogue and the discussions had led to a new way of looking at each other in a spirit of human solidarity, and global interdependence.

The Representative of Belgium recalled that the organisation of the Encounter had not cost anything to the Council of Europe budget; the expenses that had been incurred were met out of the 250,000 F that had been at the disposal of the North-South Campaign.

The Representative of the United Kingdom, referring to the action proposed in the Notes on the Agenda No. 7524, wondered who would make use of the information on existing and planned human rights commissions and non-governmental organisations in Africa, human rights training and assistance projects in Africa and the United Nations programme for human rights advisory services, as well as on contacts between the organs of the European Human Rights Convention and the African Commission of Human Rights and the Right of Peoples. Furthermore he wondered if it would be the Human Rights Directorate of the Council of Europe which would undertake this work. Would it entail extra work for the Secretariat?

The Director of Political Affairs said that the action proposed in the Notes on the Agenda No. 7524 did not aim future action for the Council of Europe. It was just a matter of assembling information and putting it at the disposal of governments - which would not constitute an additional burden for the Secretariat.

The Representative of Ireland referred to his past experience at the United Nations that dealt with similar problems and said that it would be appropriate for the Council of Europe to withdraw from the matter (ie North-South issues) and that such initiatives should come from the rest of the world and not from the Council of Europe or its member States.

He recalled that the United Nations General Assembly had recently granted observer status to the Council of Europe which, in his opinion, would provide a unique opportunity for the countries of the Third World to contact the Council of Europe to obtain whatever information they required.

The Representative of the United Kingdom expressed his agreement with the Representative of Ireland. Human rights was a major political element both in multilateral and bilateral relations between European and African States. In all African countries the Embassies and Missions of European countries attached great importance to the human rights aspect as an important element in their relations with the countries concerned. The collection and provision of information by the Secretariat on such issues would be nothing but putting a "fifth wheel on a coach" that would require additional efforts.

In reply to the Chairman, the Director of Political Affairs said that the action proposed would not entail additional work or require additional appropriations. The collection and putting at disposal of information on existing Human Rights Commissions and non-governmental organisations in Africa constituted a modest request that had been made to the Council of Europe. It would not be appropriate for the Council of Europe to remain silent on the developments taking place in the human rights field in Africa when a request is made to it by the South in this field.

The Representative of Portugal said that his delegation would agree to the action proposed (see under the decision below) and would even go further by proposing the organisation of further colloquies and seminars on such issues with the participation of the representatives from Africa.

He recalled that the Political Declaration and Resolution (89)40 adopted by the Committee of Ministers on 5 May 1989, contained provisions with a view to such co-operation between the Council of Europe and the countries of the South.

The Representative of Ireland said that the task of providing information on existing and planned human rights commissions and non-governmental organisations in Africa was something that was carried out by the United Nations and its committees concerned as well as by the United Nations Human Rights Commission (Geneva). The governments of the member States of the Council of Europe were regularly informed through these channels as to what was happening in Africa. Therefore the information to be provided by the Secretariat would not constitute in his opinion a primary source of information for the governments of member States.

The Representative of Spain agreed with the Representative of Portugal and expressed his support for the action proposed. He understood the position of the Representative of the United Kingdom; however, qualified information that would be compiled and provided to the governments of member States by the Council of Europe would no doubt be useful. The criteria at the United Nations Human Rights Commission (Geneva) were somewhat different from those of the Council of Europe.

Item 8a

He pointed out that the action proposed in Notes No. 7524 also made a reference to "contacts between the organs of the European Human Rights Convention and the African Commission of Human Rights and the Rights of Peoples" which was also a very important matter.

The Representatives of Belgium and the Federal Republic of Germany expressed their agreement with the Representative of Spain.

The Representative of the United Kingdom said he would agree with the decision proposed (see below). However, he would bear in mind discussions held at the present meeting and the replies given by the Secretariat.

The Chairman noted that the Deputies agreed to the decision set out below on the understanding that it would not constitute a basis for new future activities to be undertaken by the Council of Europe and that it would not entail additional work and/or budgetary appropriation for the Organisation.

Decision

The Deputies asked the Secretariat to provide them, for consideration at one of their future meetings, with information on existing and planned human rights commissions and non-governmental organisations in Africa, human rights training and assistance projects in Africa and the United Nations programme for human rights advisory services, as well as on contacts between the organs of the European Human Rights Convention and the African Commission of Human Rights and the Rights of Peoples.

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Item 8b

b.

Report on the deliberations of the enlarged Working
Party of the Ministers' Deputies on the proposed
European Centre for Global Interdependence and Solidarity
(Concl(89)427/6a, 428/7, CM(89)106, 170, 172 revised, 173 and 175)

The Representative of Portugal made the following statement:

"You will recall that at our 427th meeting (June 1989, item 6a), it had been decided to make some changes to the text of the draft statute of the Centre (CM(89)106), for the purpose inter alia of highlighting the Partial Agreement under which it is to be established. On the other hand, it had also been decided to submit the draft statute to the Assembly and to the NGOs for opinion.

We now have those opinions and, as delegations have been able to observe, they favour the establishment of the Centre. The opinions are incorporated in two documents which have been distributed: the minutes of the meeting of the "European Consultative Committee on Global Interdependence and Solidarity" (CM(89)170), which was held in Strasbourg on 7 and 8 September 1989; and a letter from the Chairman of the Assembly Committee on Economic Affairs and Development, Mr Valleix, to President Björck (CM(89)173), which the latter circulated to you on 29 September 1989.

While favouring the establishment of the Centre, these opinions nevertheless mention the need to give autonomy to the European Consultative Committee, which should be 'the privileged policy-making body to continue the quadrilogue' and whose 'recommendations should be taken seriously as directives for the programme to be carried out by the Centre, which would, for all practical purposes, constitute its operational wing of the Committee'.

You will recall that this European Consultative Committee - a direct descendant of the Campaign on North-South Solidarity - was mentioned in the original draft statute as an organ of the Centre. The Portuguese delegation believed - and continues to believe - that that was the solution best adapted to the need to establish as balanced and operational a Centre as possible; the presence of such a representative committee as an organ of the Centre would, in our opinion, ensure perfect coherence between the latter's functions as a "forum" for the quadrilogue and as a source of projects for the sensitisation of European public opinion and exchanges of ideas between representatives of North and South.

However, in a spirit of conciliation, we were prepared to consider the alternative of establishing the Centre separately from the European Consultative Committee (which could be given the title of European Committee). But we felt that such a two-pronged solution could only be acceptable if it facilitated the acceptance of the Centre by as many member States as possible and if it constituted a 'package deal' to be accepted or rejected in its entirety. We also considered that both bodies should work closely together, so that neither of them

could do without the other; and also that the separation of the Committee from the structure of the Centre could possibly have the advantage of reducing the latter's operational burden.

We were particularly conscious of the need to satisfy the wishes of the NGOs and of certain member States whose participation in the work of the Centre is very important to us, and which seemed very anxious to give autonomous status to the Consultative Committee.

All of the above considerations led us at one time to minimise the real difficulties which we had expected to arise and which now stand in the way of the establishment of this European Committee and its integration into the structures of the Council of Europe. Several delegations rightly emphasised these difficulties at the meeting of the Deputies' Working Party on North-South questions which met yesterday, and I must say that I fully share their point of view. I can quite understand that, at a time when it is felt necessary to concentrate, or even eliminate, certain activities and steering committees, it might seem strange for a new committee to be launched next year; I can understand that, even if there are almost no financial implications, there will be member States who will wish to maintain their positions in order to prevent the Secretariat from entering into even minimum undertakings, even for the sake of questions of principle; I can understand that, while a number of member States did not object to the establishment of a Partial Agreement (because their participation is entirely optional and because there will be no budgetary implications), they could be opposed to the establishment of a committee which in the future could begin to make demands on the budget; lastly, I can understand that the member States which have given us their valued support in respect of the Centre may find it difficult (as I do myself) to explain to their capitals this sudden, last-minute and radical change in the statute of the Centre.

Yesterday, we demonstrated our sincere goodwill by accepting, in principle, the new solution which the Secretariat has put forward in an effort to satisfy everybody, and I warmly thank the Secretariat for its efforts, which I see perpetuated in the new documents that have been distributed. I was disappointed, or - to be more accurate - we were all disappointed by the absence of delegations which - let me repeat - we consider to be extremely important to the implementation of this project concerning the Centre. I see today that nearly all the delegations are represented here: perhaps they will wish to take a decision on this question. I should like, however, to make one point quite clear: we cannot afford to weaken the support that several delegations have given to the original project or to endanger that project by engaging in a search for other hypothetical or impracticable solutions, which would have the effect of making the problem of the establishment of the Centre doubly difficult.

We have been working on this project for a year and a half. It is an important project for the Council, and it is also certainly important from the political standpoint for my country. For this reason, I take the liberty of using your good offices to call on the delegations to show goodwill and co-operation so that the Partial Agreement can be put back on the right track at the meeting of the Committee of Ministers on 16 November 1989, even if the commitment of the interested member States to join the Centre is given subject to their final approval of other details, including the financial aspects.

These details could be settled at a later date, in the course of a meeting which could be held in Lisbon - and this would give them the opportunity to examine the question of the sites selected for the Centre".

The Representative of the United Kingdom agreed with the Representative of Portugal and said that his delegation was opposed to the setting up of new structures that would have financial implications for the Council of Europe's budget.

The Representatives of Turkey, Switzerland, Italy, Spain, and San Marino agreed with the Representative of the United Kingdom.

The Representative of the Netherlands said that his delegation could agree with Options A and B set out in CM(89)175 and CM(89)172 revised respectively; this being so, he was prepared to follow the majority.

The Representative of the Federal Republic of Germany appreciated the efforts made by the Portuguese delegation to find a satisfactory solution. However, he was not in a position to take a stand on the matter at the present meeting.

The Representative of Greece said that, although he had not received instructions from his authorities, he would express a preference for Option A.

The Representative of Portugal expressed his gratitude to all those who had expressed their views on the matter and thought that it would be appropriate for the Deputies to resume consideration of this item at their 430th meeting (6-7 November 1989) with a view to having a conclusive discussion on the matter.

The Chairman noted that a large majority of the delegation who had expressed their views on the matter were in favour of Option A set out in CM(89)175.

Decision

The Deputies agreed to resume consideration of this item at their 430th meeting (6-7 November 1989).

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Item 9

9.

DRAFT INTERGOVERNMENTAL PROGRAMME OF ACTIVITIES FOR 1990
(Add. to CM(89)136 and Corr.)(*)

The Representative of the Netherlands, referring to the Political Declaration and Resolution (89)40 adopted on 5 May 1989, stated that the draft Intergovernmental Programme of Activities for 1990 was not sufficiently reflecting the political wish for renovation and redeployment as set out in these texts adopted by the Ministers.

His authorities were disappointed with the draft Programme which had not sufficiently respected the criteria laid down in paragraph 18 of Resolution (89)40 on the future role of the Council of Europe in European construction. In his opinion, in spite of the absence of indications by member States, the Secretary General could apply these criteria objectively and suggest priority areas for concrete action as expected by the Ministers. While pointing out possible relevant action in audio-visual, social, environment and legal co-operation fields, a lot of less-relevant activities could be dropped. In this respect, the votes and priorities indicated by the Steering Committees reproduced in the draft Programme did not necessarily reflect those of the governments who adopt a more global approach towards the Council of Europe activities. He proposed that the Secretariat should first see whether the criteria apply and then whether there is a political will of the member States to carry out the activity in question. The Committee of Ministers should take its decisions accordingly.

The Representative of the United Kingdom agreed with most of these remarks. Referring to the success of the Council of Europe in the media field mentioned earlier in the day by the Secretary General, he believed that the high quality work carried out by a small team with the assistance of highly qualified government experts was at the origin of it. The project had enjoyed priority for the last 2 years. He therefore felt that there was no question of allocating more money or human resources, but of setting up priorities to be carried out by the already existing experienced people. He thought that this year there would be more readiness to leave out some activities than in the past. It was the responsibility of the Committee of Ministers to shorten the list of activities to enable action to be taken on priorities with prime importance. This could result in the deployment of staff from one sector to another. In case the existing rules prevented this, necessary action to modify them should be taken.

The Representative of the Federal Republic of Germany supported the proposal made by the Netherlands Delegation to have a list indicating the compliance of activities with the 3 criteria laid down in Resolution (89)40. He was of the opinion that the guidelines indicated by the Ministers should be implemented fully and an effort should be made on concentrating the activities further. He thought that the whole responsibility should not be given to the Secretariat and consultations should take place in capitals. As a compromise solution he suggested that first the Secretariat could delete activities of minor importance and not contributing to the Council of Europe image, then the Deputies would take further decisions.

(*) Reference documents relevant to consideration of this item during the second part of the meeting at A level on 24 October 1989:
Add. to CM(89)136 and Corr., CM(89)167 and Add., CM(89)179 and CM(89)180 and Add.

The Representative of Sweden agreed with the previous speaker that the Secretariat should submit some indications to the Committee. Referring to paragraph 19 (a) of Resolution (89)40, she recalled that the Ministers' Deputies had been instructed by the Committee of Ministers to carry out a thorough field-by-field evaluation of intergovernmental activities on the basis of sectoral studies and proposals to be prepared by the Secretary General. This exercise on pilot fields (Fields IV, VII, and VIII) unfortunately had not yet been terminated.

Due to the fact that the draft programme for 1990 was a transitional one it would be preferable not to take measures and decisions for radical changes on the basis of it.

The Secretary General expressed her gratitude to the Representative of the Netherlands who gave her the opportunity to make known that she had an open position. She said that this difficult exercise was the responsibility of the Secretariat but that the Committee of Ministers also had an important part to play. This exercise had been complicated by the attitude of Steering Committees which could be considered as extensions of governments. In principle the Steering Committees wished to maintain their own activities. Every member State was subject to the pressure, on the one hand, to concentrate activities further and, on the other, the desire of each sector to perpetuate the structures and the activities. The Committee of Ministers and the Secretary General were, therefore, under contradictory pressures.

She recalled that she had taken up her duties last June and therefore needed more time to take responsible and justified decisions for substantial modifications.

She was prepared to take into account the proposals to be made by the Deputies but recalled that Vote II of the Intergovernmental Programme of Activities, the hard-core of European co-operation, only represented roughly 10 per cent of the budget.

However, for the sake of optimum use of limited resources available Vote I (common expenditure), on which Vote II had some implications, also deserved her particular attention. She thought that the cost of each activity, including common expenditures (staff, etc.), had to be determined precisely.

As for the criteria laid down in paragraph 18 of Resolution (89)40, she was of the opinion that these were very vague. As far as the contribution to European construction was concerned, all intergovernmental meetings could be considered as contributing to that purpose. In that case no selection would be possible. On the other hand, the relations of the Council of Europe with other parts of the world, such as the "North-South" problem which was of capital importance for the Council of Europe, did not comply with these criteria. However the Council of Europe could not ignore these sort of calls from outside.

As regards the draft programme for 1990 she explained that it was mainly a description of the existing activities and could be re-drafted in a more synthetical manner, starting with a more global description for each field of activities. She therefore thought that it was first of all a presentation problem and the Secretariat would submit for the next discussion of the Programme a model for this purpose. The list of activities indicating the compliance with the criteria laid down in Resolution (89)40 would also be submitted to the Deputies.

She believed that the Council of Europe carried out efficiently a lot of activities but many of them were not known by the public. In case a few activities were selected the public could be made more aware of them. She therefore thought that activities should be concentrated.

Referring to the work by the Rapporteur Groups on Fields IV, VII and VIII, she underlined the importance of avoiding the pressure exerted by experts in the Committees and their natural reluctance to any change.

The Representative of Austria supported the views expressed by the Representative of the United Kingdom. He was of the opinion that the main responsibility for this exercise laid with the Committee of Ministers.

He suggested to delete activities with less priority in favour of some new activities. With regard to the CDCC he said that although the CDCC enjoyed a certain autonomy, the Committee of Ministers had the last word on the budget. As regards the work carried out by the CDCC he drew attention to the insufficient communication of information.

The Representative of Denmark, in his capacity as Chairman of the Rapporteur Group on environment, urban policies, regional planning, local and regional authorities, explained that the work of the Group had been delayed due to additional tasks entrusted to it and that it was a complicated and difficult matter as stated earlier by the Secretary General. Referring to a decision taken at the 426th meeting of the Ministers' Deputies (May 1989), he said that the Group had received documents submitted by the Secretary General containing an inventory of activities in Fields VII and VIII but no critical assessment of current activities in these fields had been submitted to the Rapporteur Group. He understood the difficulty of the Secretariat as he himself experienced the same difficulty. However, this exercise should continue in the future.

The Representative of Turkey was grateful to the Representative of the Netherlands since he brought this matter to the attention of the Committee. In his opinion the main question was 'what should be done in the future?' to face such a difficult situation. He felt that the efforts had to be coordinated and a methodology fixed for future work. In any case the responsibility lay with the Committee of Ministers to take political decisions on principles and future action.

The Representative of Ireland drew attention to the importance of selecting committees of experts carefully.

The Representative of Finland shared the comments made by the Representative of Sweden. Recalling the Political Declaration and Resolution (89)40, he stated that radical action should be undertaken as far as the next years' budget was concerned.

In addition to the views of the Steering Committees, a very critical assessment by the Secretariat was necessary.

A method had to be chosen to approach this exercise. The Rapporteur Group on Education, Culture and Sport had left open a lot of questions because the document submitted was a routine one.

The Representative of the Netherlands stated that something had to be done as the foregoing discussion indicated. He took the opportunity to explain how the criterion relevance to European Construction should be interpreted in the view of his authorities. The Ministers had expressed concern that the speed at which European integration was taking shape would risk to widen the gap between the 12 European Community countries and the non 12 Council of Europe member countries. Hence there was an obvious task for the Council of Europe to counter this gap widening process. Selection of projects should therefore take place while taking into account what happens (or does not happen) in Brussels. He insisted that the Secretariat could elaborate in an objective manner a list of activities indicating their compliance with the 3 criteria. A very concrete decision had to be taken by the Committee at the present meeting.

The Representative of Greece agreed with the Representative of the Netherlands that a concrete decision should be taken immediately.

The Secretary General proposed to extend the deadline until 13 October 1989 for comments to be sent to the Secretariat by Delegations. In the future a coordinated approach would be essential for this exercise. She believed that political choice was being abandoned in favour of opinions expressed by Steering Committees. She thought that this should be avoided.

Summing-up of the Chairman

The Chairman recalled that delegations had already been invited to send to the Secretariat in writing before 1 October 1989 their comments, if any, on the draft Programme (Add. to CM(89)136 and Corr.).

Following the proposal of the Secretary General, he suggested to extend the deadline until 13 October 1989. It was important that delegations endeavoured to have the necessary high level co-ordination in their respective capitals in order to receive appropriate instructions for fixing priorities.

The Chairman noted that the Secretariat was asked to compile the written comments and proposals presented by delegations, and, as far as possible, the reactions to delegations' comments in a document to be distributed in time for the second part of the present meeting (23-24 October 1989).

He further noted that the Secretary General was invited to present, as far as possible, her own suggestions concerning the content and the presentation of the Intergovernmental Programme of Activities, taking into account the political wish for renovation and redeployment of the work programme, following the criteria set out in the Political Declaration and in Resolution (89)40 adopted on 5 May 1989, and of the

statements made at the present meeting (5-6 October 1989), in particular by the Representative of the Netherlands who had insisted on having a screening of the activities, as soon as possible, on the basis of the criteria laid down in the Political Declaration and in the Resolution.

At the second part of the present meeting on 23-24 October 1989, the Deputies would proceed to a preliminary consideration of the item on the basis of the documents received, and subsequently they would decide on the procedure to be followed. This course of action would enable them to provide the Ministers with clear indications on the implementation of the texts adopted on 5 May.

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[Consideration of this item was resumed at the second part of the meeting at A level on 24 October 1989]

The Secretary General recalled that the Deputies had already at their disposal the draft Intergovernmental Programme of Activities for 1990 (CM(89)136 Addendum and Corrigendum). In accordance with the discussions held and the summing-up of the Chairman at the end of the discussion of this item at the first part of their present meeting on 6 October 1989, the Deputies had been provided with CM(89)167 and Addendum containing written comments and proposals presented by delegations as well as the Secretariat's reactions to delegations' comments.

CM(89)180 contained a "summary" of the draft Intergovernmental Programme of Activities classified according to the major lines of action as well as an example of a field (Field VII) as it could be developed in such a summarised programme. This example was contained in the Addendum to CM(89)180. The Secretary General considered that it was a good example, and in case of approval, the other Fields would be redrafted in the same manner for the final version of 1990 Programme. In addition the Committee had been provided with CM(89)179 indicating the compliance of the activities proposed with the three criteria laid down in Resolution (89)40 of the Committee of Ministers.

She recalled that a "non-paper" containing her suggestions concerning redeployment of activities of the draft Intergovernmental Programme of Activities had been circulated just before the meeting. In this connection she pointed out that the Budget Committee had closely examined all Votes, and in particular Vote II, and proposed that the 1990 budgetary appropriations for the intergovernmental programme be 398.000.- lower than those voted for 1989. This would mean reducing the draft programme by approximately 2.7 million francs. Her proposals for savings through redeployment amounted to approximately 1.4 million francs but it was a difficult and embarrassing task. She thought that proposals had to be reexamined and savings should be decided by the Committee. She felt that the Budget Committee had examined the appropriations envisaged for the 1990 Programme merely from a budgetary viewpoint, the political stand had to be taken by the Committee of Ministers.

The Representative of Denmark, in his capacity as Chairman of the Rapporteur Group on environment, urban policies, regional planning, local and regional authorities, said that his Group had examined the documents submitted by the Secretariat with a view to undertaking a general assessment of Fields VII and VIII, and had asked the Secretariat to revise them. The revised version would constitute a part of their report to the Committee of Ministers.

As regards the various intergovernmental activities the Group had decided to consider them in the light of the Secretary General's proposals. As for the structures in Field VIII the Rapporteur Group had agreed that the status quo should be maintained.

The Rapporteur Group would meet again in November. He was of the opinion that a uniform system of assessment of activities and allocating priorities in different fields was highly desirable in order to avoid misleading conclusions based on different methods of evaluation.

Finally, he said that the Rapporteur Group had not had an opportunity to examine CM(89)180 Addendum, which had been received after the Group's meeting.

The Representative of Ireland thought that the main question was how to find the necessary appropriations in the programme of activities to be re-allocated to co-operation with Eastern Europe, the Court and the Commission of Human Rights. He thought that the programme as proposed for 1990 could be implemented without deleting activities if it was managed according to the principles of strict budget economy.

He further thought that excellent work could be done by small groups of governmental experts rather than by plenary expert Committees of 23 members. A special effort should be made to limit the membership in expert committees only to those actively interested in the activity in question.

The Representative of Switzerland said that, due to the fact that the Secretary General's "non-paper" had been received only before the present meeting, it would be impossible for delegations to take a firm stand on its content. Although he would agree that savings should be made he could not take a decision at this stage. In any event, he was against the suppression of the Ad Hoc Committee on Transfrontier Co-operation (CAHCT) suggested in the "non-paper".

The Chairman said that the Committee was not requested to take decisions in this respect at the present meeting.

The Representative of the Federal Republic of Germany said that his authorities attached great importance to the activities of the Steering Committee of Employment and Labour (CDEM), and said that the number of annual meetings of the CDEM should not be reduced.

The Representative of the United Kingdom thought that at this stage it would not be appropriate to take decisions on the proposals contained in the "non-paper" before considering the report of the Budget Committee that had met the previous week.

The principle of reducing the number of activities to carry them out better and quicker should always be borne in mind. Criterion N° 2 of paragraph 18 of Resolution (89) 40 was very important as it indicated the interest shown by member States and there was no point in carrying out activities if no great interest was expressed by them. In some fields the pluses mentioned in CM (89) 179 were in majority for criterion N° 2 but not in others. A uniform system of allocating priorities had to be found as suggested by the Representative of Denmark. The programme ought to be further examined taking into account the budgetary constraints and comments made by delegations. He would be prepared to go along with the proposals of the Secretary General although he thought that additional efforts had to be made for the sake of efficiency.

The Representative of France appreciated the efforts made by the Secretary General concerning redeployment; however it was very difficult to take a decision. The "non-paper" should be considered as a first step. A zero growth-rate approach would not be appropriate in view of the co-operation with the countries of Eastern Europe. The proposed creation of new posts to strengthen the Secretariat in the field of co-operation with Eastern European countries was justified. He drew attention, as previous speakers, to the fact that in some fields there were more pluses for the three criteria than in other fields and the document did therefore not necessarily reflect the relative importance of fields. He suggested that the Secretariat try to limit the priority activities in each field.

He agreed with the proposal for suppression of the CAHCT on the understanding that the activities be carried out by the CDLR. He could also agree with the suppression of the CJ-CI, CJ-IJ, CJ-PD and CSC in the field of legal co-operation.

As for the activities related to the European Social Charter, they were of great importance and should therefore be maintained.

The Secretary General said that the Budget Committee had refused the creation of an A5 post in the Political Directorate and an A4 post in the Office of the Clerk of the Assembly; she added that for some posts, when a special experience was required, it would be difficult to satisfy the needs through transfer of staff members. There would be staff movements but there should be limits for such movements.

The Representative of the Netherlands believed that an unbiased assessment of the compliance of intergovernmental activities with the three criteria laid down in paragraph 18 of Resolution (89)40 could only be done by the Secretariat. He suggested the addition of Secretariat comments to explain why each activity complied or not with these criteria.

He appreciated the effort made by the Secretariat in CM(89)180 Addendum to give an example of a new presentation of the Programme.

As for the non-paper, he thought that it could be useful for governments to consider it together with an objective assessment on the 3 criteria.

The Representative of Spain wondered why CM(89)179 showed many minuses under the "interest shown by member States" whilst all steering committees had given positive indications.

The Representative of Turkey wondered if, according to the outcome of the exercise set out in CM(89)179, the activities in Fields IV and VI should be considered more important than those in Field I.

Furthermore, in his opinion the link between the European Conference on histocompatibility and the European frozen blood bank and non-member States was not clear.

The Representative of Finland agreed with the Representative of Spain concerning the differences between the marking in CM(89)179 and steering committees' views concerning member States' interest in activities. He suggested that a single document containing budgetary implications of proposals be presented to the Deputies with a view to facilitating their task.

The Representatives of Denmark and the Federal Republic of Germany shared this view.

The Representative of Denmark drew attention to the fact that although Vote II constituted only about 10% of the budget, it had implications on Vote I which should also be borne in mind during the examination of the Programme. She suggested that meetings outside Strasbourg should be reduced to a minimum; meetings should be shorter and savings could be made in publications.

The Representative of the United Kingdom wondered whether a new column could be added in a revised version of CM(89)179 to indicate for each activity, in conformity with paragraph 19.b of Resolution (89)40, the category to which it belonged.

The Secretary General recalled that Vote II estimates for 1990 totalling about 60 million francs constituted only 12% of the Budget. Out of this sum, only 20 million were allocated to committee meetings and experts, whilst 3 million were appropriated to information and documentation, 7 million to fellowships and grants, 13 million to the Cultural Fund and 17 million to the operation and programme of the European Youth Centre.

The contributions to the Cultural Fund and to the European Youth Centre were relatively considerable, but due to the autonomy enjoyed by the relevant committees in these fields, the Committee of Ministers had no direct control over the use of these sums. So far the tendency had been to look for savings in other parts of the programme. The selection should not be done merely from a budgetary viewpoint; the wish to improve the image of the Council of Europe should also be given consideration.

In reply to the question by the Representative of Portugal, she said that during the elaboration of the non-paper she had taken into account, as far as possible, the criteria set out in CM(89)179.

She would not be opposed to reducing the number of experts in committees of experts, but felt that the steering committees would not be in favour of such a proposal. As for the priorities established by steering committees, she felt that if they were taken as a basis, the Committee of Ministers could not always take sound decisions on the Programme.

The Representative of the Netherlands reiterated the view that the criterion on the relevance to European construction should be interpreted by considering whether the activity in question contributed to avoiding the role to widen the gap between the members and non-members of the European Community.

The Representative of Belgium recalled the implications of Vote II on Vote I and drew attention to Corrigendum to CM(89)136 Addendum, and thought that these should be discussed as well. He agreed with the Secretary General that no effort for restructuring should be expected from the Steering Committees.

The Chairman, summing up discussions under this item, noted that the Secretariat would present, for consideration at the 431st meeting of the Deputies (November/December 1989), a revised version of CM(89)179. The Secretariat would revise document CM(89)167 both by regrouping all comments and Secretariat observations and taking into account CM(89)179 on the compliance of the activities of the draft Programme of intergovernmental activities for 1990 with the criteria laid down in paragraph 18 of Resolution (89) 40 and the non-paper of 24 October 1989 of the Secretary General containing her suggestions concerning redeployment of activities of the draft intergovernmental Programme of activities.

Decision

The Deputies agreed to resume consideration of this item, with a view to adopting the 1990 Intergovernmental Programme of Activities, at their 431st meeting in the framework of their examination of the draft 1990 Budget.

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Item 10

10.

SITUATION IN CYPRUS
(Concl(89)428/8)

No delegation wished to make a statement under this item.

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Item 11

11.

CONFERENCES OF SPECIALISED MINISTERS
State of preparation
(Concl(89)428/9, CM(89)168, SG/D/Inf(89)7)

The Committee examined the draft decisions concerning the invitation of a number of Organisations as observers to the 6th European Ministerial Conference on the Environment (Brussels, 11-12 October 1990) as set out in Notes on the Agenda No 7522.

The Representative of the United Kingdom said that he had no objection to the adoption of these draft decisions. Nevertheless, he wished to reiterate that, generally speaking, care should be taken to restrict invitations to participate in the Conferences of Specialised Ministers as observers to Organisations whose presence seemed genuinely necessary and which could be expected to make a useful contribution to the proceedings of those Conferences.

The Chairman asked the Secretariat and the Committee to bear this wish in mind.

The Representative of Denmark, in his capacity as Chairman of the Deputies' Rapporteur Group on environment, urban policies, regional planning, local and regional authorities, said that the Group had discussions on this Conference, of which it was true to say that the number of observers whom it was proposed to invite was quite impressive. Although he had personal doubts about the growing number of observers invited to the various Conferences, he nevertheless suggested that the draft decisions on the next European Ministerial Conference on the Environment be adopted. The general issue of observers at Conferences of Specialised Ministers should be carefully examined in future.

The Chairman noted that there were no objections to the adoption of the proposed draft decisions. He emphasised, however, that the Committee of Ministers would have to review the general issue of the invitation of observers to Conferences of Specialised Ministers in the near future and drew the attention of the next Chair of the Committee of Ministers to this matter.

Decisions

The Deputies

- A. With regard to the 6th European Ministerial Conference on the Environment (Brussels, 11-12 October 1990)
1. established that there is general consent within the Committee of Ministers as to the advisability of inviting the following to participate in the Conference as observers:

- the European Parliament,
- the United Nations Food and Agriculture Organisation (FAO),
- the Organisation for Economic Co-operation and Development (OECD),
- the United Nations Environment Programme (UNEP),
- the United Nations Educational, Scientific and Cultural Organisation (UNESCO),
- the World Health Organisation (WHO);

2. established that there is general consent within the Committee of Ministers as to the advisability of inviting the following non-governmental organisations to participate in the Conference as observers:

- the European Confederation of Agriculture (ECA),
- the International Council for Game and Wildlife Conservation,
- the Committee of Farming Organisations in the EEC,
- the European Environmental Bureau (EEB),
- the International Council for Bird Preservation (ICBP),
- the International Council of Scientific Unions (ICSU),
- the International Union for Conservation of Nature and Natural Resources,
- the International Waterfowl Research Bureau (IWRB);

B. With regard to the 4th Conference of European Ministers of Health (Cyprus, autumn 1990)

noted that the European Health Committee (CDSP) has agreed to hold at its meeting on 20-24 November 1989 an exchange of views with representatives of the Assembly's Social, Health and Family Affairs Committee on the themes of the Conference.

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Item 12

12.

CYPRUS AGAINST TURKEY
Decision to be taken under Article 32
of the European Convention on Human Rights
(Concl(89)428/15, Letter HD/C12 of 1.2.84)

This item was discussed in restricted session (see Addendum II to these Conclusions, distributed to Heads of Delegation only).

Decision

The Deputies agreed to resume consideration of this item at A level on 14 December 1989 at their 431st meeting.

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Item 13

13.

D. AGAINST BELGIUM

Decision to be taken under Article 32 of the
European Convention on Human Rights
(Concl(89)425/17)

The Director of Human Rights recalled, on the subject of general measures, that this case raised the same problem as the Van Droogenbroeck case. The Secretariat would therefore ensure that consideration of this item be resumed at the same time as that of the Van Droogenbroeck case (which was scheduled to come before the Committee in March 1990 at the latest).

The Representative of Belgium said that the Parliament's Justice Committee was examining the Bill amending the Social Protection Act of 1964.

Decision

The Deputies agreed to resume consideration of this item at A level at one of their forthcoming meetings not later than six months hence.

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Item 14

14.

AZZI AGAINST ITALY
Decision to be taken under Article 32
of the European Convention on Human Rights
(Concl(89)425/22)

The Representative of Italy said that he had written to the Director of Human Rights on 22 September 1989, referring to the general measures to be taken regarding the administrative overloading of the Court of Cassation's list of cases, which were a matter for the first President, and reporting that a number of measures, detailed in a report prepared by the first President, had been taken. He added that the Director of Human Rights had been sent a copy of this report. Two Bills which were not specifically concerned with the Court of Cassation but, more generally, with reducing the number of civil actions, had been submitted to Parliament, under the titles: "Institution of a Justice of the Peace" and "Urgent measures for civil procedures".

The Chairman noted that the letter mentioned by the Representative of Italy seemed to refer to paragraph 57 of the Commission's report, in which the Commission found "... the difficulties on which the Government rely ... can scarcely be described as temporary ..."

The Director of Human Rights confirmed that he had received the Italian Delegation's letter. The Secretariat had begun to study the substantial document in Italian which had been sent with it, but would need some time to finish doing so. He also suggested that the Representative of Italy sent the Secretariat the text of the two Bills which he had mentioned. He pointed out that the Committee of Ministers was still waiting, in this case, for supplementary proposals from the European Commission on Human Rights on just satisfaction for the applicant, and suggested that discussion of this item be resumed at the Deputies' 430th meeting on 10 November 1989.

The Representative of Switzerland wondered when the Commission would submit these supplementary proposals, and whether the Committee of Ministers would in fact be able to decide on the sum to be paid the applicant for just satisfaction at its 430th meeting.

The Director of Human Rights could not say when the Commission's proposals would reach the Committee; even if they were not received in time for the 430th meeting, the Committee could still continue consideration of the issue of general measures to be taken at that meeting. Another solution would be to resume discussion of the matter slightly later and to consider the two questions simultaneously.

The Chairman suggested that discussion of this item should in fact be resumed at the 431st meeting on 14 December 1989, since the Committee would probably have received the Commission's supplementary proposals on just satisfaction for the applicant in the meantime.

Decision

The Deputies agreed to resume consideration of this item at A level on 14 December 1989, at their 431st meeting.

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Item 15

15.

CATANOSO AGAINST ITALY
Decision to be taken under Article 32
of the European Convention on Human Rights
(Concl(89)423/16, CM(89)148)

The Representative of Italy said that his Government had no objection to the supplementary proposals of the European Commission of Human Rights set out in CM(89)148.

The Chairman noted that the Deputies recommended the Italian Government to pay the applicant the sum of four million Italian Lire as just satisfaction for non-pecuniary damage.

Decision

The Deputies agreed to resume consideration of this item at A level on 14 December 1989 at their 431st meeting on the basis of a draft Resolution to be prepared by the Secretariat.

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Item 16

16.

BIONDO AGAINST ITALY
Decision to be taken under Article 32
of the European Convention on Human Rights
(Concl(89)427/13)

The Representative of Italy said that, regarding the question of informing the accused of the official appointment of a lawyer, his delegation had sent a letter, on 16 August 1989, to the Director of Human Rights informing him that Article 24 bis of the new Code of Criminal Procedure provided that the accused must be informed without delay of the official appointment of a lawyer.

The Director of Human Rights welcomed the fact that a case that the Committee had been working on since 1984 was reaching a conclusion. He thanked the Italian Government which had just submitted this latest information and took the opportunity to draw attention to the usefulness of the dialogue between the governments concerned by a particular case and the Committee of Ministers. He suggested that the Secretariat prepare a draft Resolution for the 430th meeting of the Ministers' Deputies in November 1989.

Decision

The Deputies agreed to resume consideration of this item at A level on 10 November 1989 at their 430th meeting on the basis of a draft Resolution to be prepared by the Secretariat.

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Item 17

17.

KARLSSON AGAINST SWEDEN
Decision to be taken under Article 32
of the European Convention on Human Rights

The Representative of Sweden said that her Government had no objections regarding the conclusions and proposals of the European Commission of Human Rights in this case. As far as the question of material or non-material damage was concerned, her authorities thought that a finding that the Convention had been violated might in itself constitute just satisfaction for the applicant. Her Government was also prepared to meet the applicant's expenses during the proceedings before the Commission. In this connection, she pointed out that the applicant had received legal aid before the Commission.

The Director of Human Rights said that this case raised the same kind of issue as the Uskela case against Sweden, and pointed out that the general measures had already been taken. He suggested that the Committee should vote on the question of the violation of Article 6(1) of the Convention.

The Representative of Switzerland reminded the Committee that the Commission's report on this case had been sent to the Chairman of the Committee of Ministers in May 1989. He noted that only the English text of the report was available, and wondered whether the Committee could take a decision on the merits without the French version.

The Director of Human Rights understood the point made by the Representative of Switzerland. This problem had already arisen in the past, but translation of the reports was sometimes a lengthy business. The Secretariat of the European Commission of Human Rights was aware of this difficulty, but he was prepared to draw its attention once again to the problem, which he ascribed to lack of staff.

It was up to the Committee to decide whether or not to take decisions on the merits of cases when one of the two language versions of the Commission's reports was missing; however, deciding to wait might well - unless the translation of reports could be speeded up - delay the decisions which the Committee of Ministers was required to take under Article 32 of the European Convention of Human Rights.

The Representative of France agreed with the Representative of Switzerland. While understanding that problems might sometimes arise, he stressed that his authorities wished to uphold the principle that all Council of Europe documents should appear in both official languages, if possible at the same time.

The Representatives of Portugal and Denmark agreed with the Representatives of Switzerland and France.

The Representative of Greece said that the problem was also a practical one, since different delegations preferred different languages.

The Chairman noted that the Committee took the view that the rule that Council of Europe documents must appear in both official languages should be scrupulously followed.

He also noted that the absence of the French version of the Commission's report on the present case need not prevent the Committee from voting.

The Deputies took a vote, under Article 32, paragraph 1, of the European Convention on Human Rights, on whether there had been a violation of Article 6, paragraph 1, of the Convention and decided, by 20 votes for the violation to 0 against, with no absentions, that there had been a violation of that provision in this case.

Decisions

The Deputies

1. authorised, on the terms indicated in paragraph 3(b) of the Appendix to the Rules for the application of Article 32 of the Convention, the communication to the applicant of the Report of the Commission in the case of Karlsson against Sweden;
2. requested the Commission, in application of Rule 9, paragraph 2, of the above-mentioned Rules, to complete the proposals it had already made under Article 31, paragraph 3, of the Convention concerning just satisfaction for the applicant, by indicating the exact amount which it considers should be paid to him;
3. agreed to resume consideration of this item at A level as soon as the completed proposals of the Commission are available.

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Item 18

18.

VAN EESBEECK AGAINST ITALY
Decision to be taken under Article 32 of the
European Convention on Human Rights

The Deputies took a vote, under Article 32, paragraph 1, of the European Convention on Human Rights, on whether there had been a violation of Article 6, paragraph 1, of the Convention and decided, by 21 votes for the violation to zero votes against, and with no abstentions, that there had been a violation of that provision in this case.

Decisions

The Deputies

1. authorised, on the terms indicated in paragraph 3(b) of the Appendix to the Rules for the application of Article 32 of the Convention, the communication to the applicant of the Report of the Commission in the case of Van Eesbeeck against Italy;
2. requested the Commission, in application of Rule 9, paragraph 2, of the above-mentioned Rules, to complete the proposals it had already made under Article 31, paragraph 3, of the Convention concerning just satisfaction for the applicant, by indicating the exact amount which it considers should be paid to him;
3. agreed to resume consideration of this item at A level as soon as the completed proposals of the Commission are available.

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Item 19

19.

GARZAROLLI AGAINST AUSTRIA
Decision to be taken under Article 32 of the
European Convention on Human Rights

The Representative of Austria said that this case concerned the duration of criminal proceedings and that it required a decision of the Committee of Ministers under Article 32 of the Convention. She referred to Rule 6 bis of the Rules adopted by the Committee of Ministers for the application of Article 32 of the Convention, which provided as follows: "Prior to taking a decision under Article 32, paragraph 1, of the Convention, the Committee of Ministers may be informed of a friendly settlement, arrangement or other fact of a kind to provide a solution of the matter. In that event, it may decide to discontinue its examination of the case, after satisfying itself that the solution envisaged is based on respect for human rights as defined by the Convention".

In this context, she informed the Committee that she had just learnt that her Government and the applicant had reached a friendly settlement. In this case, the President of the Confederation had granted a pardon and dropped the charge against the applicant and the applicant had undertaken to withdraw his application. In these circumstances, she suggested that consideration of this item be resumed at a later date.

The Director of Human Rights recalled that the Rule that the Representative of Austria had just referred to had been incorporated into the Rules adopted by the Committee of Ministers for the application of Article 32 of the Convention in an amendment to these Rules brought in 1987; the reason for introducing this Rule was to permit a friendly settlement to take place also during the consideration of the case by the Committee of Ministers. He stressed that this would be the first time the Rule had been applied in practice. In this particular case, the Committee of Ministers should be informed of the details of this friendly settlement, which warranted postponing examination of this item. The date on which the Committee would resume consideration of the item would depend on the time period necessary for the Austrian authorities to send in details of the friendly settlement.

The Representative of Austria said that it was difficult at this stage to give the date on which she would have the necessary information and added that her delegation would keep the Secretariat informed.

Decision

The Deputies, having been informed, in the context of Rule 6 bis of the Rules adopted by the Committee of Ministers for the application of Article 32 of the European Convention on Human Rights, of a friendly settlement reached by the Government of Austria and the applicant, agreed to resume consideration of this item as soon as supplementary information on the precise terms of the said friendly settlement was received.

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CM/Del/Concl(89)429
Item 20

20.

AXELSSON AND OTHER AGAINST SWEDEN
Decision to be taken under Article 32
of the European Convention on Human Rights

The Representative of Sweden said that the statements she had made at the time of the consideration of the Karlsson against Sweden case (item 17 of the agenda of the present meeting) also applied to this case, except that in the case in question the applicant did not receive legal aid.

The Deputies took a vote, under Article 32, paragraph 1, of the European Convention on Human Rights on whether there had been a violation of Article 6, paragraph 1, of the Convention and decided, by 21 votes for the violation to 0 against, with no abstentions, that there had been a violation of that provision in this case.

The Director of Human Rights said that the Secretariat would contact the Swedish delegation with regard to the question of access to a court in the context of a dispute relating to the granting of reserve taxi licences. He referred, in this respect, to paragraph 39 of the Commission's report which mentioned the new Act on commercial transport which granted the right to appeal, in the Appeal Court, against most of the decisions concerning transport licences. In his opinion, further information on this Act would be required. Clarifications could then be made to the Committee of Ministers when it resumed consideration of this case.

Decisions

The Deputies

1. authorised, on the terms indicated in paragraph 3(b) of the Appendix to the Rules for the application of Article 32 of the Convention, the communication to the applicants of the Report of the Commission in the case of Axelsson and others against Sweden;
2. requested the Commission, in application of Rule 9, paragraph 2, of the above-mentioned Rules, to complete the proposals it had already made under Article 31, paragraph 3, of the Convention concerning just satisfaction for the applicants, by indicating the exact amount which it considers should be paid to them;
3. agreed to resume consideration of this item at A level as soon as the completed proposals of the Commission are available.

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CM/Del/Concl(89)429
Item 21

21.

JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS
IN THE CASE OF H. AGAINST BELGIUM
Application of Article 54
of the European Convention on Human Rights
(Concl(89)425/24)

The Representative of Belgium said that the Order of Barristers and the General Prosecutors' Office to whom the Bill amending the Belgian legislation on the registration and restoration of barristers to the Bar had been sent, had expressed their opinions on this text. The Bill was currently being redrafted by the Ministry of Justice to take account of these opinions. The Bill would also draw inspiration from what had been learned as a result of new cases brought before the Court since the judgment in the present case.

In the light of the foregoing, he suggested that the Deputies resume consideration of this case at one of their forthcoming meetings, not later than six months hence.

Decision

The Deputies agreed to resume consideration of this item at A level at one of their forthcoming meetings not later than six months hence.

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Item 22

22.

JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS
IN THE BOUAMAR CASE

Application of Article 54
of the European Convention on Human Rights
(Concl(89)425/25)

The Representative of Belgium said that the Bill amending the Children's and Young Persons' Welfare Act of 8 April 1965 was still the subject of consultations between the national Government and the executive authorities of the two Communities, which were also concerned by the matter in question as from the end of December 1988, following the constitutional reform in his country.

These consultations concerned both the text of the Bill and the question of the buildings which were made available to the Communities for the placement of minors deprived of their liberty.

In the light of the foregoing, he suggested that the Deputies resume consideration of this item at one of their forthcoming

Decision

The Deputies agreed to resume consideration of this item at A level at one of their forthcoming meetings not later than six months hence.

meetings, not later than six months hence.

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Item 23

23.

JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS
IN THE CIULLA CASE
Application of Article 54
of the European Convention on Human Rights
(Concl(89)425/31)

The Representative of Italy said that the only point still pending in this case was the possible taking of general measures in accordance with Article 5, paragraph 5, of the Convention. He referred to a letter which he had sent the Director of Human Rights on 20 September 1989, indicating that the new Italian Code of Criminal Procedure would come into force on 24 October 1989, and in which had been included copies of Sections 314 and 315 of that Code.

He thought that these provisions would solve the remaining problem, and asked the Director of Human Rights for his views on the matter.

The Director of Human Rights confirmed that the letter sent to him by the Representative of Italy contained further information on the changes made in the law for the purpose of guaranteeing the right to compensation for deprivation of liberty in breach of Article 5 of the Convention. A first examination suggested that the problem of entitlement to compensation in cases such as the applicant's should not recur, since Act No. 327 of 3 August 1988 had eliminated the possibility of imprisonment while applications for compulsory residence orders were being examined. It might nonetheless be thought that the scope of the judgment of the European Court of Human Rights was broader: The Secretariat would accordingly like to have fuller information on the scope of Sections 314 and 315 of the new Code of Criminal Procedure, which seemed, at first sight, to cover only violations of Article 5 (1)(c) of the Convention, and thus entitlement to compensation in that context.

He suggested that the Secretariat should remain in contact with the Italian Delegation on this subject, and that the Committee should resume consideration of this item at its 433rd meeting (6 February 1990).

The Representative of Spain thought that a copy of the letter referred to should have been sent to the delegations, since this would have helped them to follow the Secretariat's explanations.

The Chairman thought that it might well be useful to circulate the letter.

The Director of Human Rights said that letters exchanged by the delegations concerned and the Secretariat were not normally sent to all the delegations, so as not to overburden them with documents, but that he was willing, with the approval of the Representative of Italy, to circulate the letter.

Decision

The Deputies agreed to resume consideration of this item at A level at their 433rd meeting (6 February 1990).

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CM/Del/Concl(89)429
Item 24

24.

AD HOC COMMITTEE OF EXPERTS ON MOVEMENT OF PERSONS (CAHCP)
Report of the 3rd meeting
(Strasbourg, 20-23 June 1989)

The Representatives of the United Kingdom and Sweden, commenting on the findings by the CAHCP following its examination of specimen civil status documents issued by Turkey, agreed that such documents "could be of assistance in establishing family relations for the purpose of issuing visas" (CM(89)151, para. 50); however they could not be considered as conclusive or necessarily reliable evidence. Furthermore, those documents could not be a substitute for a visa.

The Representative of Turkey asked that a reference be included in Decision No. 1 below to the views expressed by the Turkish expert on the CAHCP on this question, which were contained in para. 51 of CM(89)151.

The Chairman noted that all delegations could agree to this proposal.

The Secretary to the Committee, referring to the offer by the CAHCP that it would be prepared to examine the possible implications for the free movement of persons of the implementation of the draft Recommendation on legal protection and assistance for migrants appealing against decisions concerning their work permits, residence permits or expulsion (see Decision No. 2 below), pointed out that this offer would be considered at a later part of the meeting during an examination of the draft Recommendation (item 28). At this stage, the Deputies were only asked to take note of this offer. If necessary they could take a further decision at a later stage.

The Representative of Turkey wondered whether it would not be preferable to await discussions under item 28 before taking note of the offer.

The Representative of Austria and the United Kingdom said they could agree with the proposal as outlined by the Secretary. The Representative of Austria added that the CAHCP had a role to play as regards this draft Recommendation.

The Director of Legal Affairs further pointed out that the draft Recommendation related to an issue which was relevant to the CAHCP's terms of reference. The CAHCP had not in fact asked to be consulted but had declared its preparedness to be consulted if the Committee of Ministers chose to do so.

The Secretary to the Committee proposed the following revised draft Decision No. 3: "The Deputies agreed to forward to the governments of member States the recommendation contained in Resolution (77)26 and in the recommendations of the International Civil Aviation Organisation (ICAO) that the holder's place of birth be mentioned in identity and travel documents".

The Representative of Austria explained that, as a result of the tragic circumstances which led to the death of a passenger on the "Achille Lauro" in 1985, his authorities had deleted any mention of the place of birth from Austrian passports. However, they were now reconsidering whether to mention the place of birth again.

Commenting on the report of the CAHCP's 3rd meeting as a whole, the Representatives of Switzerland and Turkey drew attention to the problems which the CAHCP faced as a result of divergences of opinion between European Community member States and non-European Community member States (CM(89)151, paras. 99-101). Clearly, non-Community member States were particularly concerned by the problem of movement of persons and therefore believed it necessary that the work done by the Council of Europe in this field be continued alongside efforts by the Community.

The Director of Political Affairs said that the Secretary General was indeed preoccupied by the above-described situation where work among 23 member States of the Council of Europe was being stopped or disregarded because of similar work amongst the 12 to which others had no access.

It must be made clear however, that the responsibility in that matter did not lie with the Community as such since the work referred to was being conducted by way of co-operation among the 12 (Ad hoc Committee on Immigration inter alia).

Concerning in particular the need to avoid duplication of work as regards fraud information, the Secretary General, in response to a request from the CAHCP, had contacted the President of the meetings of Interior Ministers from the 12, but no reply had yet been received.

Decisions

The Deputies

1. took note of the findings of the examination of specimen civil status documents issued by Turkey, carried out by the CAHCP further to the decision taken by the Deputies at their 420th meeting (CM/452/261088) - which completed its conclusions concerning Assembly Recommendation 1014 on the entry visas required of Turkish nationals by certain Council of Europe member States -, as well as the views expressed by the Turkish expert on the CAHCP on this question (paragraphs 50-51 of CM(89)151);
2. took note of the fact that the CAHCP would be prepared to examine the possible implications for the free movement of persons of the implementation of the draft Recommendation on legal protection and assistance for migrants appealing against decisions concerning their work permits, residence permits or expulsion - approved by the European Committee on Migration (CDMG) (paragraph 8 of CM(89)151);
3. agreed to forward to the governments of member States the recommendation contained in Resolution (77)26 and in the recommendations of the International Civil Aviation Organisation (ICAO) that the holder's place of birth be mentioned in identity and travel documents (paragraph 53 of CM(89)151);
4. taking into account decisions 1 to 3 above, took note of the report of the CAHCP's 3rd meeting (CM(89)151) as a whole.

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Item 25

25.

ENTRY VISAS REQUIRED OF TURKISH NATIONALS
Assembly Recommendation 1014 and Written Question
No 301 by Mr Çelikbas
(Concl(88)420/35 and 36, CM(87)195 and Add., CM(89)151,
paragraphs 50-51)

The Representative of Switzerland stated that his country was no longer an immigration State. 16.2% of its population was made up of foreigners (including 60,000 Turkish nationals) and therefore it had to try to stabilise that percentage. Furthermore, Switzerland had received a great number of political asylum requests (17,000 in 1988, 14,000 so far in 1989), 58% of which were made by applicants of Turkish nationality. Most of these political asylum requests turned out to be made by economic migrants, and virtually all of the asylum seekers entered the country illegally. In addition, Switzerland was a densely populated country and certain parts of its territory were unsuitable for human settlement.

Switzerland consequently had to take measures to stop this flow; since 15 July 1982 it had suspended the European Agreement on regulations governing the movement of persons between member States of the Council of Europe (1957, ETS No 25) as regards Turkey. The experience since had shown that this measure had contributed to the control of illegal immigration; Switzerland therefore would have to maintain the visa obligation for Turkish nationals, in consultation with the Turkish authorities, so long as these exceptional circumstances persisted.

However, exceptions were made for the following categories:

- holders of valid residence and settlement permits;
- holders of diplomatic, service and special passports;
- crew members of the national Turkish airlines;
- young Turkish nationals travelling under a collective passport, in accordance with the European Agreement of 16 December 1961 on Travel by Young Persons.

Furthermore, there had been an easing of requirements in that

- visas of longer duration (valid for one year) were given to businessmen and to members of families of persons resident in Switzerland under cover of a residence or settlement permit;
- there was a dispensation of the visa requirement as regards Turkish schoolchildren going to school in the Federal Republic of Germany who were participating in a school trip, subject to an attestation by the Headship of the school.

The Representative of the Federal Republic of Germany said that his country was in a similar position to the one outlined above. Two million Turkish nationals were currently living in the Federal Republic of Germany, 400,000 in West Berlin alone. His authorities wanted to consolidate the position of Turkish nationals already living in the country. Furthermore, there was currently an influx of refugees of German origin from central and eastern Europe. His authorities were therefore unable to change the visa requirement for Turkish nationals. He underlined that this requirement was no impediment to Turkish parliamentarians and diplomats travelling through the Federal Republic of Germany on official business.

The Representative of the United Kingdom recalled that a Note Verbale from his delegation dated 3 October 1989, concerning the decision of the United Kingdom Government to impose from 1 August 1989 a visa requirement on Turkish nationals travelling to the United Kingdom for short periods of stay, had been circulated amongst all delegations. This Note explained the legal situation as interpreted by his authorities.

More generally, the United Kingdom was in a similar position to the above countries. In particular, the Home Secretary had made a statement in the House of Commons on 6 June 1989 in which he outlined the operational reasons for the imposition of the visa requirement. Between 1985 and 1988 the proportion of Turkish nationals arriving in the United Kingdom who had been refused entry rose from 1.5% to 3%; the number of Turkish nationals against whom action was started for breaches of the immigration law rose from 136 to 401; finally, the number of applications by Turkish nationals for asylum rose from 60 in 1987 to 1,500 in May 1989 alone. For those reasons, the visa requirement would have to be maintained. However, as was explained in the Note, "Turkish officials applying to visit the UK on Council of Europe or other official business will be granted a gratis entry visa valid for multiple entries where appropriate". Furthermore, Prime Minister Thatcher had been in touch with Prime Minister Özal concerning this issue.

The Representative of Turkey took note of the figures provided by various delegations so far. He added that his authorities also had their own figures. He noted that the real problem was one of economic migrants seeking better living standards. In any case, Turkey had never encouraged illegal immigration by its nationals into any country.

As regards the United Kingdom Note Verbale, talks were underway between the two governments. He informed the Deputies of the decision of his government to impose a visa requirement on British nationals from 1 November 1989.

Concerning Assembly Recommendation 1014 and Written Question No 301 by Mr Çelikbas, he recalled that this item had first been considered by the Deputies in 1985. The aim of the Assembly Recommendation and of the Written Question was the liberalisation of the conditions of award of visas for certain categories of Turkish nationals. Seen in this light, the opinions given by the European Committee on Migration (CDMG) and the Ad hoc Committee of Experts on Movement of Persons (CAHCP) were not satisfactory as their result was negligible. He was furthermore aware of the work being done within the European Communities on harmonising visa requirements of their member States. Finally, he asked that the views he had just expressed be taken into consideration for the reply to the Assembly and Mr Çelikbas.

Decision

The Deputies agreed to resume consideration of this item at their 430th meeting (November 1989) on the basis of a draft reply to be prepared by the Secretariat in the light of the views expressed at the present meeting.

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Item 26

26.

DRAFT RECOMMENDATION No. R(89)... ON EDUCATION IN PRISON
(Concl(89)428/41c, CM(89)129 and Add. I)

Decisions

The Deputies

1. adopted Recommendation No. R(89)12 on education in prison, as it appears at Appendix 4 to these Conclusions;
2. authorised publication of the Explanatory Memorandum thereto, as it appears at Addendum I to CM(89)129.

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Item 27

27.

EUROPEAN HEALTH COMMITTEE (CDSP)

a.

Report of the 25th meeting
(Strasbourg, 19-23 June 1989)
(CM(89)146 and Add. I and II)

Decisions

The Deputies

1. took note of the agreement reached within the CDSP to hold an exchange of views at its November 1989 meeting with the representatives of the Assembly Committee on Social, Health and Family Affairs on the subject of the protection of non-smokers (see paragraph 39 of CM(89)146);
2. took note of developments in the work on organ transplantation and particularly the experimental schemes to promote European co-operation with regard to super urgent livers, paediatric kidneys and kidneys for highly sensitised patients (CM(89)146, paragraphs 74-79);
3. approved the specific terms of reference of the Select Committee of Experts on the Impact of the AIDS epidemic on health care organisation (SP-R-AIDS/0) (CM(89)146, paragraph 87 and Appendix III);
4. approved the terms of reference of the Select Committee of Experts on Medico social aspects of child abuse (SP-R-AVE) (see CM(89)146, paragraphs 106 and 107 and Appendix VII), subject to the approval of the corresponding activity in the intergovernmental programme of activities for 1990;
5. approved the terms of reference of the Select Committee of Experts on the impact of developments in telemedicine on medical and health services (SP-R-IDT) (see CM(89)146, paragraph 106 and Appendix VIII) subject to the approval of the corresponding activity in the intergovernmental programme of activities for 1990;
6. took note of the modification of the specific terms of reference of the Select Committee of Experts on Quality Assurance in blood transfusion services (SP-R-GS) designed to include Spain amongst the States entitled to appoint members (see CM(89)146, paragraph 93i);
7. taking into account decisions 1-6 above, as well as the decision taken under item 11 of the present meeting ("Conferences of Specialised Ministers - State of preparation"), took note of the report of the 25th meeting of the CDSP as a whole (CM(89)146, Add. I and II).

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Item 27b

b.

Draft Recommendation No. R(89)... on the
organisation of multidisciplinary care
for cancer patients
(CM(89)146 and Add. I)

Decisions

The Deputies

1. adopted Recommendation No. R(89)13 on the organisation of multidisciplinary care for cancer patients as it appears in Appendix 5 to these Conclusions;
2. authorised the publication of the explanatory memorandum relating thereto (CM(89)146 Addendum I).

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Item 27c

c.

Draft Recommendation No. R(89)... on the
ethical issues of HIV infection in the health care
and social settings
(CM(89)146 and Add. II)

The Representative of France said that his authorities agreed with the general approach of the draft Recommendation and appreciated the work done by the European Health Committee (CDSP). They proposed the inclusion of the following phrase at the end of paragraph 68 in the Appendix to the Recommendation:

"... or accident at work";

so that that paragraph would read as follows:

"should be informed of provisions and procedures allowing for the possible recognition of HIV infection as an occupation disease or accident at work".

The Chairman noted that the Deputies and the Secretariat agreed to this proposal.

The Representative of Sweden made the following statement:

"On behalf of my government I wish to say first that we find the draft Recommendation (Add. II to CM(89)146) to be in agreement to a great extent with Swedish policy in this field. Needless to say we agree that the spread of HIV infection and AIDS can be averted by preventative measures and through voluntary participation of the public. Sweden has devoted great resources and efforts to preventative work in the spirit of the Recommendation.

On certain points, however, the text now presented reflects positions of principle not in agreement with ours and certain wordings in the Recommendation are not readily compatible with the new Swedish legislation on communicable diseases which came into force on 1 July 1989.

Sweden has serious objections to the following three subject matters of the Recommendation:

Rights of infected persons

Heavier demands are made on infected persons in Sweden than are expressed in the draft Recommendation. Among other things, Swedish law requires an infected person to consult a physician and to comply with instructions issued to prevent the infection being passed on to others. Infected persons also have to supply their physician with information which will make it possible for other carriers to be traced.

Screening questions

In Sweden, too, it is primarily voluntary screening that is encouraged. On the other hand, it is the duty of every single presumptive carrier to undergo examination in keeping with the Communicable Diseases Act.

Questions concerning quarantine and isolation

Sweden is against general measures of this kind, but the Communicable Diseases Act does make it possible in the individual case - when an infected person cannot be induced to co-operate voluntarily - to isolate him or her subject to due legal safeguards.

Against this background it will not be possible for Sweden to vote in favour of the Recommendation and Sweden will abstain from voting.

Through this abstention and the explanatory statement, Sweden will consider itself not bound by the Recommendation. I wish formally to refer to the appropriate rule in our rules of procedure".

Decisions

The Deputies

1. adopted Recommendation No. R(89)14 on the ethical issues of HIV infection in the health care and social settings, as it appears in Appendix 6 to these Conclusions (1) (2);
2. authorised the publication of the explanatory memorandum relating thereto (CM(89)146 Addendum II).

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- (1) When this Recommendation was adopted the Representative of Sweden, referring to Article 10.2.d of the Rules of Procedure the Meeting of the Ministers' Deputies, recorded her abstention and in an explanatory statement said that her Government will not consider itself bound by the Recommendation.
 - (2) When this Recommendation was adopted the Representative of Iceland, in application of Article 10.2.c of the Rules of Procedure for the Meetings of the Ministers' Deputies, reserved the right of his Government to comply or not with first sub-paragraph of paragraph 41 of Appendix to the Recommendation concerning "partner notification".

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Item 28

28.

DRAFT RECOMMENDATION NO. R(89)... ON LEGAL PROTECTION
AND ASSISTANCE FOR MIGRANTS APPEALING AGAINST DECISIONS
CONCERNING THEIR WORK PERMITS, RESIDENCE PERMITS OR EXPULSION
(Concl(89)427/39b, CM(89)58 Add. and CM(89)97 Add. I)

Decisions

The Deputies

1. adopted Decision No. CM/473/241089 assigning ad hoc terms of reference to the Ad hoc Committee of experts on movement of persons (CAHCP) (to give an opinion on possible implications that the implementation of the draft Recommendation might have for the free movement of persons), as it appears at Appendix 7 to these Conclusions (1);
2. agreed to resume consideration of this item at one of their future meetings when they will have received the opinion of the CAHCP.

(1) See also under item 24 above.

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Item 29

29.

EUROPEAN POPULATION COMMITTEE (CDPO)
Report of the 9th meeting
(Strasbourg, 20-23 June 1989)
(CM(89)145 rev. and Add. I-IV)

Decisions

The Deputies

1. noted that the CDPO has unanimously agreed to admit Yugoslavia as an observer (see CM(89)145, paragraphs 3 and 4);
2. took note of the final activity report and completion of activity III.12 (former activity 8.1.9) ("Household structures: study on the availability of data on nuptiality and various types of household: one-parent families, "intact" families, alternative relationships") (see CM(89)145, paragraphs 29-32 of Addendum I), and authorised publication in the Population Studies series of the report of the Select Committee on Household Structures (document CDPO (89)2);
3. took note of the final activity report and completion of activity III.11 ("Parental responsibilities and other life-style options: a review of recent and possible policies") (see CM(89)145, paragraphs 33-40 and Addendum II) and authorised declassification of the consultant's report (document PO-PR (89)1 rev. and PO-PR (89)3 Appendix III);
4. took note of the final activity report and completion of activity III.13 ("The consequences for Europe of the increase in world population") (see CM(89)145, paragraphs 41-45 and Addendum III) and authorised its publication under the responsibility of its author (document PO-WP (89)1 rev.) in the Population Studies series;
5. took note of the final activity report and completion of activity III.14 ("Age groups (cohort) fertility in the member States of the Council of Europe") (see CM(89)145, paragraphs 46-55 and Addendum IV) and authorised its publication under the responsibility of its author (document PO-CF (89)1 rev.) in the Population Studies series;
6. taking into account decisions 1-5 above, took note of the report of the 9th meeting of the CDPO as a whole (CM(89)145 and Add. I-IV).

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Item 30

30.

EUROPEAN SOCIAL CHARTER
Division of the Contracting States to the Social Charter
into two groups for the purposes of the supervision procedure
(CM(89)156)

Decision

The Deputies agreed to renew definitively the decision to divide the Contracting States into two approximately equal groups for the submission of the reports provided for in Article 21 of the European Social Charter.

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Item 31

31.

EUROPEAN SOCIAL CHARTER
Procedure for the election of five members
of the Committee of Independent Experts (Article 25)
(CM(89)159)

Decisions

The Deputies

1. agreed to include Finland in the third group and San Marino in the fourth group of States, so that the distribution of the 23 member States for the purposes of appointing members to the Committee of Independent Experts will now be as follows:

First group : 3 seats

Austria, France, Federal Republic of Germany,
Liechtenstein, Switzerland, United Kingdom

Second group : 1 seat

Belgium, Ireland, Luxembourg, Netherlands, Portugal

Third group : 1 seat

Denmark, Finland, Iceland, Norway, Sweden

Fourth group : 2 seats

Cyprus, Greece, Italy, Malta, San Marino, Spain,
Turkey

2. adopted the following procedure for filling the five vacancies occurring in the Committee of Independent Experts with effect from 18 September 1990:

- a. every member State will be entitled to communicate to the Secretary General of the Council of Europe by 31 March 1990 at the latest the names of five persons at most whom that State considers suitable for election, having regard to paragraph 1 of Article 25 of the Charter and to the agreed rules concerning nationality (see CM(89)159);
- b. the Secretary General will then communicate a list of names she has received to the Parties to the Social Charter, asking each of them to nominate, before 15 May 1990, five candidates at most from the list of names with a view to filling the five vacancies in the Committee of Independent Experts, bearing in mind the agreed rules concerning nationality;

- c. the list of candidates nominated by the Parties to the Social Charter will then be communicated to the member States of the Council of Europe by the Secretary General, after which the Committee of Ministers will proceed, at the Deputies' meeting in June 1990 to an election by secret ballot, each delegation being entitled to vote for five candidates at most;
- d. the candidate or candidates having obtained an absolute majority of the votes cast and the highest number of votes will be declared elected;
- e. if one, or several, of the seats remain vacant after the first ballot, a second ballot will be held among the remaining candidates, each governmental delegation being entitled to vote for a number of candidates equal to or less than the number of seats vacant, and the candidate or candidates having secured the highest number of votes will be declared elected;
- f. in pursuance of Article 25(4) of the Social Charter, the five new members will be elected for a term of six years beginning on 19 September 1990.

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Item 32

32.

PUBLIC HEALTH COMMITTEE (PARTIAL AGREEMENT) (CD-P-SP)
Draft Resolution AP(89)... on the classification of
medicines which are obtainable only on medical prescription
(CM(89)163)

Decision

The Representatives of the Committee of Ministers of the seven States Parties to the Partial Agreement in the social and public health field (1) and the Representatives of Austria, Denmark, Ireland, Spain and Switzerland States participating in the public health activities adopted Resolution AP(89)3 on the classification of medicines which are obtainable only on medical prescription as it appears at Appendix 8 to these Conclusions.

When Resolution AP(89)3 was adopted, the Representatives of Austria, the Federal Republic of Germany and the United Kingdom, in application of Article 10.2.c of the Rules of Procedure for the Meetings of the Ministers' Deputies, reserved the right of their Governments to comply or not with paragraph 5.b of the General Provisions appended to the Resolution.

(1) Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands and the United Kingdom.

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Item 33

33.

EUROPEAN YOUTH CENTRE (EYC)
1988 Annual Report of the Governing Board
on the activities of the EYC
(CM(89)157)

Decisions

The Deputies

1. took note of the 1988 Annual Report of the Governing Board of the European Youth Centre (CM(89)157);
2. authorised its publication.

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Item 34

34.

DRAFT RECOMMENDATION NO. R(89)... DESIGNED TO FOSTER
THE MOBILITY OF RESEARCHERS IN EUROPE
(Concl(89)428/51a, CM(88)55, CM(89)135)

Decision

The Deputies agreed to postpone examination of this item until their 431st meeting, at B level (December 1989).

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Item 35

35.

DISTANCE TEACHING
Assembly Recommendation 1110
(Concl(89)48/4a)

Decision

The Deputies agreed to consider Assembly Recommendation 1110 at the same time as the Resolutions of the 16th Session of the Standing Conference of European Ministers of Education (Istanbul, 11-12 October 1989) at one of their forthcoming meetings.

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Item 36

36.

CONTROL AND REGULATION OF TRANSFRONTIER MOVEMENTS OF TOXIC WASTE
(Concl(89)424/48 and 428/55, CM(89)30, Misc (89)15)

The Representative of Switzerland said that his country, which had been the host to the Basel Diplomatic Conference, attached the greatest importance to this subject. 116 countries had participated at the Basel Conference and 37 of them had signed the Convention, among them 16 member States of the Council of Europe and the European Community. Jordan had already ratified the Convention and Switzerland had the intention of doing so before the end of the year. Recalling the Declaration of the Committee of Ministers on Control and Regulation of Transfrontier Movements of Toxic Waste adopted at the 424th meeting (February/March 1989, item 48), he wished to associate the Council of Europe again with the international efforts to solve this problem and proposed that the Committee of Ministers should adopt another declaration, this time inviting countries to ratify the Convention.

The Representative of Turkey recalled that this subject had been treated for the first time at the 83rd Session of the Committee of Ministers and had been mentioned in paragraph 16 of the Final Communiqué of that Session. Since then the Basel Convention had been adopted, which had been signed by all Council of Europe member States, except two, and which had already been ratified by one country. His country had participated in the Conference and had signed the Convention even though his authorities considered that the Convention contained certain shortcomings. But the Convention remained the only international instrument in this field and therefore had to be supported. Now the most important thing was to implement the Convention and to establish a strict control of transfrontier movements of toxic waste. The Secretariat should prepare a draft paper for the Committee inviting countries to do so as soon as possible. The Assembly had already expressed itself in this sense in the recently adopted Recommendation 1115.

The Representative of the Federal Republic of Germany said that his country had not yet signed this Convention but would soon do so. The delay had only been due to the federal structure of his country making consultation of the Länder necessary. An official translation of the Convention into German was being prepared in co-operation with the other German-speaking countries.

The Representative of the United Kingdom said that his country would sign the Convention soon and that he had no objection to the Committee of Ministers appealing to countries to sign, ratify and implement the Convention.

The Chairman proposed that the Secretariat should draw up a draft text for the 430th (November 1989) meeting of the Deputies.

The Representatives of the Netherlands and Austria said that they would have preferred to postpone any decision, but could accept the decision ad referendum. If they did not pronounce themselves until October 25, the ad referendum could be considered as lifted.

Following a proposal of the Secretary to the Committee, the Chairman noted that the Secretariat would also prepare for the November meeting a draft reply to Assembly Recommendation 1115 on transfrontier movements of toxic waste.

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Decisions

The Deputies

1. asked the Secretariat to prepare a draft declaration containing an appeal to sign, ratify and implement as early as possible the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, for examination at their 430th meeting (November 1989);
2. agreed to examine Recommendation 1115 of the Assembly on Transfrontier Movements of Toxic Waste at their 430th meeting (November 1989) in the light of a draft reply prepared by the Secretariat.

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Item 37

37.

AD HOC COMMITTEE FOR TRANSFRONTIER CO-OPERATION (CAHCT)
Report of the 3rd meeting
(Strasbourg, 17-19 May 1989)
(Concl(89)428/58, CM(89)130 and Add. I and II)

The Representative of Sweden said he had no objections to the contents of the proposed Declaration, but that it seemed a bit late to adopt now, several months after 5 May, a Declaration on the occasion of the 40th Anniversary of the Council of Europe. Concerning the proposed model agreements, he asked how many model agreements had already been elaborated, how they worked in practice and how they were promoted.

The Secretary to the Committee pointed out that the 40th Anniversary was commemorated during the whole year of 1989 and not just on 5 May.

The Representative of the Federal Republic of Germany said that transfrontier co-operation was a subject-matter of great importance, but that the proposed agreements seemed superfluous. Transfrontier co-operation was working very well in his country without model agreements; for example, there were joint commissions for spatial planning with Austria, the Netherlands, Switzerland and Belgium on the basis of ad hoc agreements.

The Chairman pointed out that the Committee was not asked to adopt these agreements but simply to authorise their transmission to governments and interested bodies.

The Director of Environment and Local Authorities said that the intergovernmental level of transfrontier co-operation did not need model agreements, and that the examples cited by the Representative of the Federal Republic of Germany concerned intergovernmental co-operation. The position of transfrontier co-operation bodies set up by local and regional authorities was different and they were asking for such model agreements. Their demand for model agreements, especially concerning nature parks, had led the Committee to draw up these agreements.

The Representative of Switzerland strongly supported the proposed Declaration and could accept its text as it stood.

The Representative of Spain drew the attention of the Committee to page 6 of the meeting report (CM(89)130), where it was said that the Secretariat would consult the Commission of the European Communities on the proposal for creating a European Centre for Transfrontier Co-operation and afterwards submit its proposal to the Committee of Ministers. He would prefer to be informed by the Secretariat about the results of its consultation of frontier regions before the Secretariat approached the Commission. He furthermore asked whether draft Decision 3, authorising the Secretariat to invite the CAHCT to formulate an opinion on this proposal after the completion of the consultations, was really necessary.

The Representatives of France and the Federal Republic of Germany preferred not to take a decision relating to the European Centre for Transfrontier Co-operation at this stage.

The Director of Environment and Local Authorities recalled that a proposal to set up such a Centre had been made by the Fourth European Conference of Frontier Regions in Zaragoza in 1987, and had been taken up by the Standing Conference of Local and Regional Authorities of Europe (CLRAE) in its Resolution 190. At their 422nd meeting (November/December 1988, item 36), the Deputies had agreed to resume consideration of this proposal at a later meeting in the light of a detailed document to be prepared by the Secretariat following consultations with frontier regions, transfrontier co-operation bodies and the Commission of the European Communities. The Secretariat therefore already had a mandate to consult the Commission of the European Communities. It had asked for this mandate since three delegations had insisted on the important role of the Communities in this field.

Until now the Secretariat had consulted about sixty regions. Twenty-four regions had confirmed their interest in the project, six had voiced their interest while formulating reservations, four had decided to delay their decision for the time being and eight had given a negative reply. The important thing now was to determine the nature of the interest shown by the regions and to ascertain whether a significant number really envisaged participating actively in such a Centre. The CAHCT had been informed about the results of the consultations. The draft Decision had been proposed to the Deputies because at the last meeting of the CAHCT one delegation had wanted the Committee to give an opinion on the planned Centre straightaway. Of course the Secretariat had no objections to informing the Deputies about the results of the ongoing consultations.

Replying to a question from the Representative of Spain, the Director of Environment and Local Authorities said that it was for the Committee of Ministers to decide what constituted a significant number of regions. What seemed important to him was that the regions which so far had shown no interest were Scandinavian or English regions (which were only considered as frontier regions because they were maritime regions), while the regions on the Continent had shown interest. If the number of thirty interested regions in this central area was confirmed, such a number, in his personal opinion, was a significant number.

The Representative of Spain said that he wanted to have the mandate modified so that the Committee would be informed about the results of the consultations with frontier regions before the Commission was approached.

The Chairman noted that the Deputies would resume consideration of the proposal for creating a European Centre for Transfrontier Co-operation at one of their meetings in March or April 1990, on the basis of an information document prepared by the Secretariat and before consultation of the Commission of the European Communities.

Decisions

The Deputies

1. adopted the Declaration on Transfrontier Co-operation in Europe as it appears at Appendix 9 to these Conclusions;
2. authorised the Secretary General of the Council of Europe to transmit to the governments of the member States and all authorised persons concerned, as model agreements prepared by the Council of Europe, within the meaning of Article 3 of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, the following model agreements:
 - Model agreement on the creation and management of transfrontier parks, as it appears at Appendix 10 to these Conclusions;
 - Model agreement on the creation and management of transfrontier rural parks, as it appears at Appendix 11 to these Conclusions;
 - Model agreement on the creation and management of transfrontier parks between private law associations, as it appears at Appendix 12 to these Conclusions;
 - Model agreement on interregional and/or intermunicipal economic and social co-operation, as it appears at Appendix 13 to these Conclusions;
 - Model agreement on intergovernmental co-operation in the field of spatial planning, as it appears at Appendix 14 to these Conclusions;
 - Model agreement on interregional and/or intermunicipal transfrontier co-operation in the field of spatial planning, as it appears at Appendix 15 to these Conclusions;
3. authorised the publication of these texts for information of the specialised bodies concerned;
4. took note of the wish of the CAHCT to hold - within the limits of the budgetary appropriations for Field VIII - a supplementary meeting of its bureau on 18/19 December 1989;
5. took note of the Report of the Third Meeting of the CAHCT (CM(89)130, and Add. I and II) as a whole.

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38.

DRAFT RECOMMENDATION No. R(89)...
ON RATIONAL USE OF LAND: BASIS AND
LIMITING FACTOR OF OUR DEVELOPMENT
(CM(89)147)

The Representative of Austria said that he had got only the day before very detailed instructions containing amendments to the draft Recommendation. These amendments were too numerous to present them now orally. If the Committee agreed to postpone further consideration of the draft Recommendation to a later meeting, he would submit these amendments in writing during the following week.

The Representatives of Sweden, the United Kingdom and Ireland could agree to the text of the draft Recommendation as it stood. The Representatives of the Federal Republic of Germany and Switzerland could also accept the text of the draft Recommendation but had no objection to postponing further consideration of this item.

The Chairman asked the Representative of Austria to convey to his authorities that several delegations had expressed themselves in favour of the adoption of the draft Recommendation and that no other delegation had expressed an objection to the text as it stood. He expressed the hope that the Deputies, when resuming consideration of this item at their 430th meeting (November 1989), could adopt the draft Recommendation.

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The text of the Austrian amendments appears at Appendix 16 to the present Conclusions.

Decision

The Deputies agreed to resume consideration of this item at their 430th meeting (6-7 November 1989).

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39.

PREPARATION OF FORTHCOMING MEETINGS

The Representative of Ireland recalled that at the separate B level part of the present meeting, on 13 October 1989, the substantive business had been dispatched in only fifteen minutes. While that was a credit to the Vice-Chairman, such a short meeting nevertheless gave rise to difficulties for the Irish delegation. To cover separate B level meetings his authorities sent a fairly senior official from Dublin at a cost of about £1,000 a time, and if the meetings lasted only fifteen minutes they would inevitably question the rationality of such expenditure.

Such a situation must not be allowed to recur. He suggested that when it was clear in advance that B level business could be dispatched in a very short time, the Deputies' Bureau should consider how a B level sitting could be slotted into the programme of A level sitting days rather than be held on a separate day, let alone in a separate week. Consideration should also be given to increasing the amount of business handled at B level. A level items might be given preliminary consideration at B level to see where possible difficulties might arise for subsequent resolution at A level.

The Representatives of France and Portugal took similar positions with regard to items to be dealt with at B level. For questions of drafting detail or procedure to be cleared at B level would enhance the political character of the A level meetings (France). B level meetings should not deal only with items considered to be of lesser importance to the Council of Europe (Portugal).

The Chairman said that note had been taken of the intervention of the Representative of Ireland. It was a fact that at the B level meeting on 13 October there had only been ten items on the agenda, seven of which had been without debate. The result had been a meeting of half an hour, but that had been a rather exceptional occurrence.

Usually there were altogether around 70 items on the agenda for a meeting of the Deputies, including between 20 and 30 items under the Human Rights Convention (Articles 32 and 54). Of the remainder there were normally 20 to 25 items for consideration at B level.

For the present meeting, it had been difficult to identify more items that could have been dealt with at B level, but he agreed that the effort would have to be made for the future. The distribution of items between A and B levels was usually made by the Bureau, and he proposed that a special meeting of the Bureau be held as soon as possible with a view to further increasing the number of items to be dealt with at B level.

In order to achieve this, he appealed to all delegations to co-operate with the Bureau in that direction. He referred in particular to those items that were finally not dealt with at B level because one delegation asked to have the discussion at A level. However, he stressed that despite the existing problems, which had been mentioned by the Representative of Ireland, the Deputies had succeeded in dealing with about 180 items over their past three meetings. Certainly a supplementary effort to refer some items to B level in future would help the Deputies to deal with probably the same total number of items, but would release more time for substantive discussions at A level.

The Representative of Italy, referring to the preliminary draft agenda for the 430th meeting (6-7 and 10 November 1989) (Addendum to Agenda Notes No. 7530), requested postponement to the beginning of 1990 of the item "Savoldi against Italy - Decision to be taken under Article 32 of the European Convention on Human Rights".

The Secretary to the Committee confirmed that there was no legal obstacle to the requested postponement. Discussions on the case concerned were continuing between the Italian delegation and the Secretariat.

Postponement of the item was agreed.

Decisions

The Deputies

1. approved the draft agenda for their 430th meeting (6, 7 and 10 November 1989, A level), as it appears at Appendix 2 to these Conclusions;
2. approved the schedule of their meetings for the first half of 1990, as it appears at Appendix 3 to these Conclusions.

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Item 40

40.

OTHER BUSINESS

a.

Communication from the Secretary General

1. European Audio-visual Conference
(Paris, 30 September - 2 October 1989)

As she had announced at the last meeting of the Deputies, the Secretary General had attended the European Audio-visual Conference organised jointly by the French Government and the Commission of the European Communities. The aim of this Conference was to launch the Audio-visual EUREKA programme with a view to boosting European audio-visual production.

During the summer, the Council of Europe had been invited to take part in the various working parties and meetings of national co-ordinators.

The Conference adopted a joint Declaration on Audio-visual EUREKA which, without being formally signed, was approved by the 26 governments represented and by the President of the Commission of the European Communities. The Council of Europe was mentioned four times in the text of the Declaration, which should come up to the Deputies' expectations regarding the Secretary General's attendance at the Conference. She had been invited to take part in the Ministerial meeting as an observer and had spoken on behalf of the Council of Europe at the closing sitting.

The Secretary General wished to make several comments on this Conference. Firstly, collaboration between the Council of Europe and the Community did not always prove to be a simple matter, particularly in the sensitive fields of culture and, more specifically, audio-visual affairs. The Community representatives did not particularly welcome the Council of Europe's presence or wish it to play a role at the Conference or in the future. The Convention on Transfrontier Television and the guidelines adopted at the European Council meeting in Rhodes - in which the position and role of the Council of Europe in audio-visual affairs had been reasserted - had obviously left their mark, whence the Community's desire to minimise the Council of Europe's role.

On the other hand, during the Ministerial meeting - chaired jointly by Mr Dumas and Mr Delors - at which the Joint Declaration was drawn up, almost every delegation devoted a major part of its statement to the Council of Europe, emphasising its effectiveness and considering it necessary that it should be fully associated with the implementation of Audio-visual EUREKA.

The Joint Declaration made provision for Council of Europe participation at four levels:

- firstly and generally, it was invited to co-operate with Audio-visual EUREKA;
- more specifically, it was invited to designate a representative to participate in the work of the Audio-visual EUREKA Co-ordinators' Committee, the body responsible for operating the EUREKA audio-visual programme;
- the Council of Europe was further invited to examine what logistic support it could offer to the Audio-visual EUREKA Secretariat;
- lastly, the Council of Europe was invited to examine what measures could be taken to support the activities of the proposed European Audio-visual Observatory.

This Observatory would be responsible for pooling information on the audio-visual situation in European countries for the use of European institutions, political decision-makers and professional circles. The Council of Europe had a duty to fulfil the expectations and honour the confidence placed in it by governments and professionals and should lose no time in drawing up practical proposals. She herself intended to submit appropriate proposals to the Committee of Ministers and, subject to the Ministers' approval, to the Audio-visual EUREKA Co-ordinators' Committee.

The Secretary General also thought that the "Eurimages" Fund would be unable to perform its function properly unless it had adequate resources. In this connection, France had promised to double its contribution to the Fund and hoped that other countries would follow suit. Hungary had also indicated its intention to join "Eurimages" and Poland might follow its example.

The Chairman thanked the Secretary General for her report and for having represented the Council of Europe so effectively at the Conference. He was pleased to learn that the participants were so well informed about the Council of Europe and had a high opinion of its work.

The Representative of France thought that the Secretary General was too modest and that the Council of Europe had achieved a major breakthrough during the Conference. It was clear from the Declaration and its Appendix 2 that the Council of Europe was not only invited to engage in institutional co-operation with Audio-visual EUREKA, but that it was welcome to take part in any future meeting. The time was now ripe to go beyond statements of good intentions and declarations of principle. He hoped, in conclusion, that those countries which had not yet signed the "Eurimages" Partial Agreement would do so and that the Signatory States would increase their contribution.

The Representative of Austria expressed his gratitude to the Secretary General and endorsed the views expressed by his French colleague. The Council of Europe had been absent from the European scene for too long. He congratulated Mrs Lalumière for having taken such an active part in the Audio-visual Conference.

On behalf of all his colleagues, the Chairman expressed his gratitude to the Secretary General for the successful results achieved.

The Secretary General said that these thanks were due above all to the members of staff who had been working in this field for some years now and who had made admirable efforts despite the limited means at their disposal. If it was now intended that the Council of Europe should participate actively in this field, the necessary resources would have to be provided.

2. Administrative questions

Following the retirement of Mr Hunt, the Secretary General announced that, in the interim, she had put Mr Adinolfi in charge of the Directorate of Administration until the post of Director of Administration and Finance had been filled. She was currently interviewing candidates for the post concerned.

Mrs Lalumière also informed the Deputies that Mr H Petzold had just been re-elected as Deputy Registrar of the European Court of Human Rights.

3. 21st Session of the Conference of European Ministers responsible for Family Affairs (Nicosia, 13-15 September 1989)

On 13 September, the Deputy Secretary General had opened the 21st Conference of European Ministers responsible for Family Affairs held in Nicosia at the invitation of the Cypriot Minister for Labour and Social Insurance, Mr Takis Christofides.

Mr George Vassiliou, President of the Republic of Cyprus, had delivered an address at the opening ceremony.

Twenty Council of Europe member States together with representatives of the Holy See, the Commission of the European Communities and, for the first time, the Parliamentary Assembly had attended the Conference. The Assembly representative, Mr Foschi, Chairman of the Social, Health and Family Affairs Committee, had spoken at the start of the first working session.

The theme of the Conference was dealt with in two parts, the Ministers examining "methods of child upbringing in Europe today" in the first two sittings, before they went on to consider "the role of family services" in the last two sittings.

Two general political approaches to family services were apparent during the Ministers' discussions:

- the improvement and further development of the various systems already in existence in the majority of countries, which enable parents to choose more freely to remain at home during their child's early years to devote themselves to its upbringing;

- the provision of child day care structures, both public and private, which enable the parents of infants and young children to reconcile their occupation and their family life; such structures should provide high quality service and be sufficiently numerous and subject to adequate regulation and supervision. They also required competent and properly trained staff.

Regarding family services - a wide network of facilities which parents can draw on according to their needs and which offer a range of social, medical, psychological and pedagogical services, leisure time and sporting activities, "schools for parents" and child day care structures - the Ministers felt that they could be further developed and better co-ordinated with an eye to families' new needs. They also thought that the services would be increasingly necessary to cater for families with disabled, disturbed, drug-addicted or HIV positive children and, in certain countries, to assist migrant and ethnic minority families.

During their discussions, the Ministers also dwelt on child abuse and the need to develop policies to cope with this problem.

Regarding the attendance of Parliamentary Assembly representatives, observers and other participants at the Conference, the Ministers instructed the liaison officials to review and update the current rules before the next session of the Conference.

The hospitality of the Cypriot authorities and the organisation of the Conference in the new International Conference Centre had been exemplary and the Deputy Secretary General asked the Cypriot Ambassador to convey his most sincere thanks to the President of the Republic of Cyprus and to Mr Christofides and all their assistants. He was particularly grateful to Ambassador Michaelides for his efforts throughout the Conference and for his extreme kindness towards himself and the officials of the Organisation.

The Representative of Cyprus said that his authorities had been delighted to organise the Conference. He thanked the Deputy Secretary General for his kind words which he would convey to those concerned.

The Representative of Austria enquired about the repercussion of the results of ministerial conferences on the Intergovernmental Programme of Activities and, more particularly, the impact of the Nicosia Conference.

The Deputy Secretary General answered that, in any informal discussions he has had the opportunity of holding with governmental representatives at ministerial conferences, he always encouraged them to take realistic and effective action. Follow-up action to such conferences therefore depended on the type of conclusions agreed on, bearing in mind that certain conferences tended to be regarded as a forum for discussion between Ministers, while others acted as a forum for adopting lines of action. In both cases, it would be advantageous for conference results to be integrated more fully into the Council of Europe work programme.

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[Consideration of this item was resumed at the second part of the meeting on 24 October 1989]

4. 1st European-North American Conference on Urban Safety and Crime Prevention

(Montreal, 12 and 13 October 1989)

This important Conference, attended by 800 people from both Europe and America, had studied a very topical subject. It prompted several remarks by the Secretary General.

Firstly, the Europeans had been struck by the forcefulness of the analyses presented by the Americans, who had vehemently criticised drug consumption. Many of them found the Europeans blind to the real scale of the problem. On the question of a solution, views were divided between those who favoured repression and those who preferred prevention. The debate had illustrated the various approaches to drugs and the difference between the situation in the United States and the situation in Europe.

Secondly, the Secretary General had gone to Montreal in response to an invitation and in accordance with commitments undertaken by the Council of Europe. However, Mrs Lalumière had felt that the Council of Europe - and particularly the Secretary General - were at the limit of their field of competence, and it was likely that the same situation would occur again in other fields. The Council of Europe was interested in certain major social problems on which it organised conferences through the CLRAE, for example. It could happen that organisations were subsequently set up which then entered into relations with organisations distant from the Council of Europe. This led to a situation in which the Council of Europe was only one of the partners, and the conference could no longer be described as a Council of Europe conference.

During the Conference Mrs Lalumière had met several parliamentarians from the United States, with whom she had spoken on the subject of human rights. She had been surprised to find that the common philosophy of human rights had developed along divergent lines. The concept of human rights held by Europeans and the Council of Europe did not coincide with the concept of human rights held by some American parliamentarians.

5. Demonstration by ATD Fourth World

(Paris, 17 October 1989)

The Secretary General had represented the Council of Europe at this demonstration, organised in front of the Trocadero Palace to honour the memory of the late Father Joseph Wresinski. It had been an impressive demonstration attended by representatives of the Fourth World and leaders of social and political organisations of all tendencies.

On this occasion Mrs Lalumière had met representatives of ATD Fourth World, who hoped that the work of Father Wresinski could be extended throughout Europe. She had felt directly challenged by this very serious problem and considered that the Council of Europe could tackle this problem in full accordance with its role and do useful work by continuing and extending the activities it had already carried out in this field.

The Representative of Ireland said it was important to assess to what extent it was profitable for the Council of Europe to pursue an activity. The Montreal Conference had been a borderline case which should not be allowed to reoccur in future. The problem of poverty, on the other hand, was much closer to the concerns of the Council of Europe.

6. Open Partial Agreement on the Prevention of, Protection against, and Organisation of Relief in Major Natural and Technological Disasters - 2nd Ministerial Meeting

(Malta, 9 to 11 October 1989)

The Deputy Secretary General had attended this meeting, at which the nine States Party to the Partial Agreement were represented. Five delegations (Luxembourg, Malta, Portugal, San Marino and Turkey) had been led by the responsible Ministers or Secretaries of State; the French and Italian delegations had been led by the Ambassadors of those countries to Malta. The Commission of the European Communities had also been represented at the meeting.

The meeting had been chaired by Mr Guido de Marco, Deputy Prime Minister and Minister of Justice of Malta.

In addition to a review of the first two years' operation of the Partial Agreement and examination of the draft budget for 1990, the agenda included three items of political importance.

i. **Accession request by the Principality of Monaco:** in a letter dated 26 April 1989 from Mr Ausseil, Minister of State, Director of Foreign Affairs, the Principality of Monaco had asked to be invited to accede to the Partial Agreement. After initial consideration by the permanent correspondents in May this accession request was submitted to the Ministers. In view of the Principality's great experience in the field of oceanographic research, the Ministers had felt it could make a very significant contribution to the efforts to strengthen European co-operation, particularly with regard to the detection of major risks and rehabilitation of the environment in the Mediterranean. Consequently, the Ministers had unanimously supported the accession request of the Principality of Monaco.

ii. **UNESCO participation:** in a letter dated 1 August 1989 the Director General of UNESCO, Mr Federico Mayor, had expressed the desire of his Organisation to participate in the Partial Agreement. UNESCO participation in the Partial Agreement would take place in the context of the International Decade for the Prevention of Natural Disasters (1990-2000). This request had been referred to the Ministers, who had supported it unanimously.

iii. **Co-operation with the Soviet Union:** as the Deputies had been informed at the last meeting of the East-West Working Party, and following the contacts established by scientists, the Ambassador of the Soviet Union to France, Mr Iakov Riabov, had sent a letter to the Secretary General on 6 October 1989 expressing the Soviet authorities' interest in accession to the Open Partial Agreement. Ambassador Riabov had also stated that, if the member countries agreed, his authorities were ready to enter into the necessary negotiations.

A Soviet delegation composed of Mr A Metalnikov, Junior Minister and Chairman of the State Committee on Hydrology, and Mr Plechko, the Ambassador of the Soviet Union in Valletta, had been present at the opening session and had been invited to present the Soviet Union's requests before consideration of this point by the Ministers. In his brief introduction Mr Metalnikov had emphasised that the Soviet Union, which had been struck recently by two major disasters (Chernobyl and the earthquake in Armenia), regarded its accession to the Partial

Agreement as a response to the solidarity and assistance his country had received at the time of those disasters.

After this hearing the Ministers had unanimously adopted a resolution in which, placing themselves in the general political context of the implementation of the Political Declaration of 5 May and the follow-up to the visit of President Gorbachev to the Council of Europe, they expressed their favourable opinion with regard to the interest shown by the Soviet Union in acceding to the Partial Agreement, and instructed the Secretary General to transmit the resolution to the Committee of Ministers, sitting at the level of the States Party to the Open Partial Agreement, with a view to undertaking the appropriate negotiations. The Ministers had also stated that future co-operation programmes should be developed on the basis of finalised and costed projects with a view to apportioning contributions on a reciprocal basis.

The final decision on these three important questions naturally remained as was made clear in relation to the interest shown by the Soviet Union, Monaco's accession request and co-operation with UNESCO, a matter for the Committee of Ministers, with its composition restricted to the States Parties to the Partial Agreement. The resolutions adopted at the Ministerial meeting would soon be submitted to the Deputies so that they could decide these various issues.

The Ministers had made several changes to the budget of the Partial Agreement, which the Secretary General had endorsed.

The Deputy Secretary General thanked the Maltese authorities for their perfect hospitality and paid tribute to the chairmanship of his old friend, Guido de Marco, who had conducted the debates with great diplomacy and efficiency.

The Representative of Portugal thanked the Deputy Secretary General for his report on the Ministerial meeting held in Malta. He wished that, in general, Permanent Representations were better informed about the operation of partial agreements. In particular, any correspondence sent to the national correspondents should be addressed to the Permanent Representations since much escaped their notice.

7. 16th Session of the Standing Conference of European Ministers of Education

(Istanbul, 18-19 October)

The 16th Session of the Standing Conference of European Ministers of Education had been held in Istanbul on 18 and 19 October on the theme "The information society: a challenge for education policies?"

All the member States of the Council of Europe without exception had been present at the Conference, as well as the delegations of the Holy See and Yugoslavia, States Parties to the Cultural Convention. Delegations from Hungary and Poland had also been present, with observer status, because of the imminent accession of these countries to the European Cultural Convention. Delegations from Australia, Canada and Japan had also attended the Conference as observers. The European Community had been represented through its Commission and its Council. There had also been observers representing UNESCO, the OECD and the Nordic Council.

The Prime Minister of Turkey, Mr Turgut Özal, had made an important speech during the opening session.

The Conference had been chaired by Mr Avni Akyol, the Turkish Minister of Education, while Mr Christoffer Taxell, the Finnish Minister of Education, had been elected Vice-Chairman.

The Conference had confirmed the role of the Council of Europe in developing and co-ordinating distance learning programmes in Europe, in the spirit of Assembly Recommendation 1110 on distance teaching.

At the informal meeting the Ministers had chosen as the theme of the 17th session, to be held in 1991 in Vienna, "European dimension of education: teaching and curriculum contents".

The delegations had all agreed that, at a time when relations with Eastern Europe were opening up, education was a priority field for co-operation and that, in this context, the Council of Europe had a specific role to play.

All in all, the results of the Conference had been very positive for the Council of Europe, since it had pointed the way to broad fields of specific action for the years to come: distance learning (with particular emphasis on the use of the media in education) and the European dimension of education.

The Deputy Secretary General thanked the Turkish authorities, the Prime Minister, the Minister of Education and the Under Secretary of State, Mr Sezal, who had chaired the Committee of Senior Officials and whose personal commitment had made a considerable contribution to the success of the Conference. He also expressed his gratitude to the Turkish authorities for the perfect organisation and the hospitable welcome reserved for all participants in the Conference and the members of the Secretariat.

The Representative of Turkey thanked the Deputy Secretary General for his kind remarks, which he promised to pass on to his authorities.

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The Representative of Denmark called his colleagues' attention to information which was giving him cause for concern. The European Parliament and the Commission of the European Communities were due to organise, in co-operation with the European University Institute in Florence, a conference on "Human rights and the European Community: Towards 1992 and Beyond" on 20 and 21 November 1989 in Strasbourg. One of the objectives of this conference was to discuss the development of human rights against the background of the creation of the Single Market. It would be attended by experts and representatives of the legal, political and social spheres. The Danish Minister had been invited and would be represented, although he would not attend.

He did not wish to go into details, but was obliged to recognise the increasing interest in human rights over the last few years on the part of the European Parliament and the Commission of the Communities. This was the beginning of a process which should be slowed down before the situation became alarming.

The Secretary General thanked the Representative of Denmark for raising this problem, as she herself had reacted just as forcefully. The Council of Europe had no monopoly over the defence of human rights, and should be delighted that other organisations were taking an interest in their defence. Once again, however, in tackling a new subject, these organisations were disregarding the work of the Council of Europe. In this area they were far behind the Council of Europe, which had set up supervision machinery and had succeeded in overcoming political obstacles. Having been invited to the conference, Mrs Lalumière fully intended to take part and speak very clearly, not to say firmly. She would be delighted for human rights, but without disregarding the work of the Council of Europe.

She was disturbed by the step the Community was taking. The Community's political role suggested that in the immediate and future context in Europe its essential priority should be consolidation. Moreover, if the opening up of relations with Eastern Europe continued, the West would need a very solid nucleus. The Council of Europe, based on co-operation between States, could open itself up, enter into dialogue and conclude partial agreements with other States; it was more flexible than the Community, whose historic task was different. The Secretary General would try to persuade Community officials that dispersal of effort was likely to weaken it and make it fail in its true historic mission in the present context.

The Chairman said the Secretary General's approach should be supported and the question discussed again after the conference. The Deputies could inform their capitals as from now of this important question. The Secretary General could also include this question in her report to the 85th Session of the Committee of Ministers.

The Representative of Ireland said that governments were also often embarrassed when the European Parliament discussed certain subjects, but were not bound by the actions of parliamentarians.

The Representative of Denmark was sure that the Secretary General would be able to inform the conference in detail of all the work carried out by the Council of Europe in this field.

The Representative of Belgium agreed with the Secretary General's remarks.

The Representative of France thanked the Representative of Denmark for raising the problem, the Secretary General for her views and the Representative of Ireland for his remarks. In his opinion the Council of Europe had the right and the duty to remind others of its priority role in its own fields of competence. The Community should avoid the risk of dispersing its efforts, but the Council of Europe had no powers to dictate policy to the Community, and still less to its parliamentarians. He suggested that the Council of Europe would perhaps be in a stronger position if it showed more concern to avoid dispersal of efforts itself.

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The Representative of the United Kingdom emphasised the pre-eminent role of the Council of Europe in the field of human rights.

The Chairman noted that the Committee shared the Secretary General's views in this respect.

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Item 40b

40.

OTHER BUSINESS

b.

Request by the Commonwealth of the Bahamas
to be invited to accede to the Convention on
the Transfer of Sentenced Persons (ETS No. 112)

Decision

The Deputies, pursuant to Article 19, paragraph 1 of the Convention on the Transfer of Sentenced Persons, instructed the Secretariat to consult Canada and the United States on the invitation to the Commonwealth of the Bahamas to accede to the said Convention.

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Item 40c

40.

c.

Improvement of the procedures of the
European Convention on Human Rights
Written Question No. 307 by Mr Stoffelen
(Concl(89)427/27, CM(89)104)

The Representative of the United Kingdom, speaking in his capacity as Chairman of the Enlarged Rapporteur Group of the Ministers' Deputies on Human Rights, said that the Group had held a very useful exchange of views on 25 September 1989 with Mr Linster and Mr Stoffelen on the two following questions: firstly, what had been done by the Committee of Ministers with a view to reducing the time for dealing with applications submitted to the organs of the Convention; and secondly, what were the reasons for the Committee of Ministers' reservation concerning the reform intended to enable direct access to the Court by individual applicants. He could only recommend to his colleagues in charge of the various Rapporteur Groups that they adopt the same procedure for informing the Assembly in their various fields; this kind of exchange of views made it possible to keep the Assembly informed of the activities of the Committee of Ministers while avoiding possible misunderstandings.

Decision

The Deputies adopted the following reply to Written Question No. 307 by Mr. Stoffelen on the improvement of the procedures of the European Convention on Human Rights:

"In September 1989, the Committee of Ministers took a number of decisions concerning the functioning of the European Commission of Human Rights. The new system, which will come into effect in 1990, in conjunction with the entry into force on 1 January 1990 of Protocol No. 8 to the European Convention on Human Rights, will enable the Commission to further rationalise its procedures and to speed up its work, which in turn should lead to a reduction in the processing time of individual applications.

The Enlarged Rapporteur Group of the Ministers' Deputies on Human Rights has continued its examination of the effects that the new system adopted for the Commission will have on the functioning of the European Court of Human Rights. In this context, a draft report of the Group on the remuneration of the judges of the Court has been referred to the Committee of Ministers. The final report on this question should be adopted by the Committee of Ministers before the end of 1989, thus allowing the provisions contained therein to come into force in 1990.

The Committee of Ministers wishes to stress that the decisions taken concerning the Commission as well as those envisaged for the Court are not in any way an obstacle to long-term reforms such as the merger of the Court and the Commission, nor do they rule out such reforms.

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With regard to the question of direct access to the European Court of Human Rights by individual applicants, the Committee of Ministers wishes to underline, as had done its Enlarged Rapporteur Group on Human Rights during its exchange of views with Mr Stoffelen and Mr Linster on 25 September 1989, that this reform would be a major innovation that would imply profound changes in the procedure of the Convention's organs. The Committee of Ministers' reservation as regards such a reform is based on the legal and practical difficulties that direct access to the Court by individual applicants would imply."

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Item 40d

40.

d.

Remuneration of the judges of the European Court of Human Rights
Draft report and recommendations of the Enlarged Rapporteur Group
of the Ministers' Deputies on Human Rights
(CM(89)176 and CM(89)176 rev)

When this item was first discussed during the first part of the present meeting (5-6 October 1989), the Chairman pointed out that it had been added to the agenda at the request of the Representative of the United Kingdom in his capacity as Chairman of the Enlarged Rapporteur Group of the Ministers' Deputies on Human Rights, with a view to deciding on transmitting the Group's draft report (CM(89)176) to the Budget Committee and to the President of the European Court of Human Rights.

Speaking in his capacity as Chairman of the Enlarged Rapporteur Group of the Ministers' Deputies on Human Rights, the Representative of the United Kingdom said that the report had been referred to the Group two days before, that the Group had not yet approved it, and was not therefore bound by it. The aim was to advise the Budget Committee that a final report on the question would shortly be adopted by the Committee of Ministers.

This meant that the amounts of the per diem and retainers given in the report had still to be approved by the Rapporteur Group and the Committee of Ministers. It was already clear, however, in the Group's opinion, that it would be necessary to increase the remuneration of the judges of the Court significantly. The amounts given in CM(89)176 were similar to those adopted for members of the European Commission of Human Rights at the Deputies' 428th meeting (September 1989, item 33). At this stage, the Rapporteur Group took the view that remuneration of the judges in accordance with the proposed system should take effect on 1 January 1990, and this was in fact the reason why CM(89)176 was now being sent to the Budget Committee.

The Chairman noted that there was no objection to transmitting the draft report to the Budget Committee, thus informing it that a final report on the question would shortly be adopted by the Committee of Ministers.

Decisions

The Deputies

1. agreed to transmit to the Budget Committee and to the President of the European Court of Human Rights the draft report of their Enlarged Rapporteur Group on Human Rights (CM(89)176) on the remuneration of the judges of the Court;
2. agreed to resume consideration of this item at A level during the second part of their 429th meeting (23-24 October 1989).

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When discussion of this item was resumed during the second part of the present meeting (23-24 October 1989), the Representative of the United Kingdom, in his capacity as Chairman of the Enlarged Rapporteur Group of the Ministers' Deputies on Human Rights, presented the Group's report as set out in CM(89)176 revised. He recalled that the Group had been assigned in its terms of reference the task of reviewing the issue of the remuneration of the judges of the European Court of Human Rights following approval by the Deputies of the Group's report on the question of transformation of the European Commission of Human Rights into a semi-permanent or permanent Commission. He recalled that this whole exercise was based on concern at the increased work-load of the organs of the Convention and a determination to enable them to cope with it. The Committee had acknowledged that the members of the Commission did in fact devote the greatest part of their time to the work of the Commission and had consequently decided on an increase in members' remuneration in order to enable them to devote still more time to this work. This step implied repercussions on the work of the judges of the Court. He further referred to paragraph 17 of CM (89) 176 revised with regard to the longer term. The Group considered that the increase in the remuneration of members of the Commission and judges of the Court should make possible an increase of approximately 30% in their capacity for processing applications. This should enable the organs of the Convention to continue effectively to discharge their responsibilities for the two or three years to come. This did not mean that these measures were expected to remain adequate if the number of applications were to increase from year to year. There would come a point when it was necessary to take other measures. The measures taken so far with regard to the Commission and those proposed for the Court did not call for any amendment of the European Convention on Human Rights and presented no obstacle to subsequent, more radical changes. Since the Court had established that the judges of the Court devoted over half their time to the Court's work, and in view of the fact that the Court constituted the final authority on the European Convention on Human Rights, it suggested that judges of the Court be paid a retainer slightly higher than that adopted for the members of the Commission. The Group further proposed a slight increase in the "per diem". In its report, the Group suggested that the President of the European Court of Human Rights should be invited to formulate recommendations on the question of the entitlement threshold for payment of the retainer and on the proportionality factor and which should be reflected in the payment of the retainer, in view of the variation in the work-loads of the various judges. These variations were due to the very operations of the Court, which also sat in Chambers, which meant that a newly elected judge could not take part in the work of the Chamber already constituted before his election.

With regard to the budgetary implications of the proposals contained in the Group's report, the draft budget already contained the appropriations necessary for the increase of 100 Francs proposed for the "per diem" which meant that the amount of 320,000 FF appearing in Appendix III of CM (89) 176 revised was covered. However, the amount of 4,100,000 FF appearing in this same Appendix and corresponding to the payment of the retainer was not covered by the draft budget. He stressed that the draft budget for 1990 contained the appropriations necessary for entry into force of the new system adopted for the Commission as from 1 July 1990. He further emphasised, however, that

these appropriations had been inserted into the draft budget before the adoption of the Group's report concerning the Commission (CM (89) 55) and before Protocol No. 8 to the Convention had been ratified by all States Parties to the Convention. The situation today was no longer the same in as much as Protocol No. 8 would enter into force on 1 January 1990, thus enabling the Commission and the Court to adopt more efficient procedures and increase their work capacities from that date. For that reason, in his view and in the view of the majority of the members of the Group, the measures adopted for the Commission and those proposed for the Court ought to enter into force at the same time on 1 January 1990. While the amounts in question were indeed substantial, they were much less so than the figures which had been considered at the outset of the Group's work concerning the Commission. He stated that he would recommend to his authorities that they give him instructions allowing him to come down in favour of the figures proposed and hoped that the other delegations would be able to do likewise.

The Chairman thanked the Representative of the United Kingdom on behalf of the Committee for his efficient conduct of the Rapporteur Group's work on such difficult questions. He added that all the participants in the Group's meetings were aware of the considerable personal efforts made by the Chairman of the Group, on which he complimented him most sincerely on behalf of the whole Committee.

The Representative of Ireland seconded the Chairman's compliments. He recalled that his Government was having difficulties with regard to the retainer. According to Article 35, paragraph 3, of the Constitution, the remuneration paid to national judges in respect of their national judicial activities was the only remuneration which they could receive. In other words, in the case of an Irish judge performing duties also for the European Court of Human Rights, the judge in question would be unable to receive the retainer stipulated for his duties in Strasbourg. This did not mean, however, that the Government of Ireland did not accept the idea of the retainer. The way to avoid this problem would obviously be for his Government to present for the office of judge of the European Court of Human Rights only people not involved in the Irish judicial order, but who could be professors, for example. This would, however, go against the object of the exercise, namely that judges of the European Court of Human Rights should be able to inform it of developments in the case law of their respective countries and that, conversely, they should be able to keep the courts of their countries abreast of the case law of the European Court of Human Rights. The other solution to his authorities' problem would be to abandon the idea of a retainer and to compensate by an increase in the "per diem".

The Representative of the United Kingdom thought that Ireland was not the only country to have national judges serving at the same time at the European Court of Human Rights. He further noted that the last sentence of paragraph 8 of the Group's report on the remuneration of judges suggested that judges with national duties should be given the necessary latitude in discharging them by their national authorities. In fact, it was plain that a judge having national judicial duties would be able to perform only half of the duties incumbent upon him in his own country. However, as he would undoubtedly receive a salary paid by his country, the solution would be for him not to receive the retainer paid by the Council of Europe himself, but for his Government

to receive the amount by way of compensation for the absence and replacement of the judge in question. As a general rule, it would become increasingly difficult to reconcile the duties of national judge and judge of the European Court, except, obviously, where governments duly recognised that national judges would have to be absent half the time. After all, it was not unusual for persons already receiving a salary to refuse a further remuneration for another activity. Finally, the "per diem" were already higher than subsistence allowances *stricto sensu*. If they were more substantially increased, there would undoubtedly be problems with regard to taxation. At all events, the question of tax exemption would have to be given further consideration. He added in this connection that the Commission had, in a letter of 13 October from its President to the Chairman of the Deputies, expressed its great disappointment that the Deputies had not adopted the Protocol to this end when taking a number of decisions concerning the Commission in September.

The Chairman supported the remarks made by the Representative of the United Kingdom concerning the "per diem". He added that the per diems paid for work performed at home were also above subsistence allowances, strictly speaking, in as much as the fact of working at home did not entail extra expenses.

The Representative of Ireland wished to know whether other delegations had the same type of problem as he had just described. Indeed he would not like to see other governments find themselves in the same situation as his own on adoption of the proposed arrangements. While it was true that the last sentence of paragraph 8 of the report invited governments to give judges a certain latitude, it was nevertheless the case that an Irish judge would have to waive the retainer for the constitutional reasons he had mentioned, while judges from other member States would accept it. He added that he would inform his authorities that the retainer would not necessarily have to be paid to the judge concerned, but that it could be paid to the government to compensate for the absence of the judge in question.

The Representative of Spain stated that he had not yet had any reaction from his authorities to this report, which he had approved. He understood the remarks of the Representative of Ireland and emphasised that they reflected a difficulty which was bound to arise if it was considered that judges would devote over half their time to the work of the Court. In the case of the Commission, the question was slightly different in as much as the members had a certain personal latitude in taking part in sessions. This was not the case with the judges, who did not themselves decide on the schedule for their work at the Court. He added that the question raised by the Representative of Ireland did not arise for his country as the Spanish judge at the Court was not a judge of the national courts.

The Representative of Switzerland indicated that the Swiss judge at the Court was not a member of the judiciary within the Confederation either.

On a proposal from the Representative of the United Kingdom, the Chairman noted that it was agreed that delegations wishing to provide the Representative of Ireland subsequently with details as to the situation in their countries on this question should do so bilaterally.

Summing up the discussion on this item, the Chairman noted that the Deputies agreed to resume consideration of the report of their Enlarged Rapporteur Group on Human Rights on the remuneration of the judges of the European Court of Human Rights (CM(89)176 revised) at A level at their 431st meeting (November/December 1989), in the light in particular of the recommendations of the President of the Court on paragraph 15 of the said report. He further noted that the Deputies agreed to resume consideration at the same meeting of the issue of a possible Protocol on tax exemption of the sums paid by the Council of Europe to the members of the European Commission of Human Rights and to the judges of the European Court of Human Rights.

Decision

The Deputies agreed to resume consideration of this item at A level at their 431st meeting (November/December 1989).

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CM/Del/Concl(89)429
Item 40e

e.

Membership of the Budget Committee
Replacement of the alternate member in respect of France
for the period ending on 31 December 1989

Decision

The Deputies, in accordance with Article 29 of the Financial Regulations, appointed to the Budget Committee for the period ending 31 December 1989, Mrs Isabelle Royer as alternate member (replacing Mrs Agnes Cukierman) in respect of France.

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CM/Del/Concl(89)429
Item 40f

f.

AUDIO-VISUAL EUREKA:
Follow-up to the Joint Declaration
of 2 October 1989
(Concl(89)429/40a, CM(89)182 and Addendum)

The Representative of France welcomed the quick reaction of the Secretariat to the Joint Declaration of 2 October 1989, which he recalled highlighted the role of the Council of Europe in several passages. The proposals contained in document CM(89)182 fitted well into the legal and political framework outlined on 2 October 1989. It should nonetheless be stressed that Audio-visual EUREKA had to maintain its own proper identity, especially with regard to the active participation of media representatives.

Concerning the training of professionals, the French authorities were of the opinion that the main emphasis should be on supporting co-operation between professionals and that the major project referred to in paragraph 15 of CM(89)182 should be worked out later on. To strengthen Eurimages, increased resources were necessary, and the President of the French Republic, Mr Mitterrand, had already stated that France intended to double its contribution. He referred to the specific character of Audio-visual EUREKA, in particular the independent role of media professionals; for this reason it was felt that the Audio-visual Observatory should be independent and therefore that it should not be instituted by means of a legal instrument of the Council of Europe. Nevertheless it was considered that the proposal concerning the Observatory constituted a useful basis for the reflection of the Coordinators' Committee.

The Representative of the Federal Republic of Germany fully supported the action proposed by the Secretariat and pronounced himself in favour of full, equal and active participation of the Council of Europe in Audio-visual EUREKA. The bureaucratisation of Audio-visual EUREKA in general, and of the Observatory in particular, had to be avoided. His authorities also attributed particular importance to the German language being accepted as one of the working and official languages of Audio-visual EUREKA.

The Representative of Spain said that the approval of the decisions listed in paragraph 36 of CM(89)182 did in no case constitute a commitment on the part of his Government as regards the proposal contained in paragraph 18 of the said document concerning participation in the Eurimages fund.

He also stated on behalf of his Government that the functioning structure and modalities of the Observatory proposed in paragraphs 23 to 31 of the said document still needed to be the subject of more thorough discussions, notably as regards the role of the groups of professionals.

The Representatives of the Netherlands and Belgium indicated that they had not received any instructions on this item yet and therefore had to approve any decision ad referendum.

The Representative of Denmark supported the proposals for Council of Europe involvement. Concerning the Audio-visual Observatory, no decision had been taken yet, but her authorities were in favour of it being under the "régime" of the Council of Europe. Concerning an increase in the contribution to Eurimages, she was in no position to make promises for 1990, but hoped that it would be possible at a later stage.

The Representative of Norway could in general support the proposals made and announced an increase in the contributions of his country to Audio-visual EUREKA to 1.2 million French francs the next year.

Replying to a question by the Chairman, the Secretary General, said that, concerning the proposal in the Draft Budget for 1990 to create a new A2/A3 post for the Media, the Budget Committee had not been receptive to the arguments put forward in favour of increased resources in the media field, and that it would be for a more political body to take a decision. She recalled that, as far as the additional demands arising from the Council's contribution to Audio-visual EUREKA were concerned, she was trying to reduce these additional financial implications by means of redeployment within the Secretariat.

The Audio-visual Observatory responded to a real necessity since there was a lack of objective information. She agreed that the Observatory should be as independent as possible. Nevertheless, a link with the Council of Europe seemed preferable to complete independence. The activities of the Observatory would also cover Eastern European States, and there the clearing-house role of the Council of Europe was needed in order to avoid uncontrolled influences. This could be done without unduly restricting the role of the professionals.

The Representative of Switzerland agreed with the arguments of the Secretary General for a link of the Observatory with the Council of Europe and could support all proposals put forward by the Secretariat.

The Representative of the United Kingdom asked for an indication of the likely costs of the measures proposed, although he could support the proposals.

The Chairman noted that delegations could support the approach outlined in CM(89)182. However, this did not prejudice the creation of an A2/A3 post referred to in paragraph 34 of this document, which had to be re-examined when adopting the budget for 1990.

Decisions

The Deputies

1. approved the approach outlined in CM(89)182 and its Appendix regarding the Council of Europe's contribution to Audio-visual EUREKA;
2. authorised the Secretary General to put forward the proposals set out in CM(89)182 and its Appendix to the Audio-visual EUREKA Coordinators' Committee;
3. took note that the Secretary General will circulate these proposals to the Ministers or Representatives having attended the meeting of 2 October 1989;
4. took note that the Secretary General is examining how the additional demands arising from Audio-visual EUREKA can be met by taking redeployment measures within the Secretariat at the earliest opportunity.

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Item 40g

g.

Secretariat Structures and Staff Appointments

The Deputies discussed a statement made by the Secretary General on the organisational structures of the Secretariat. The outcome is reflected in the decisions below.

The Deputies held an informal exchange of views with the Secretary General in application of Article 25(2) of the Regulations on Appointments, during which she made known her intention:

- to appoint Mr Jean-Luc Gianardi to the post of Director of Administration (grade A7) on secondment from his national civil service, with a two-year renewable contract;
- to transfer Mr Ekkehart Müller-Rappard to the post of Deputy Director of Social and Economic Affairs (grade A6);
- to transfer Mr Francis Rosenstiel to the post of Head of the Research and Planning Unit (grade A6);
- to appoint Mr Guy De Vel as Deputy Director of Political Affairs.

Decisions

The Deputies

1. noted the Secretary General's statement on the organisational structure of the Secretariat;

2. approved:

(a) the administrative transfer of the Social Charter Division, with the exception of the A6 post (No. 52.11) to the Directorate of Human Rights;

(b) the transfer of the Publications and Documents Division and the Library and Documentation Section to the Information Department;

(c) the transfer of the Computer Division, the two Translation Divisions and the Interpretation Division to the Directorate of Administration;

(d) the transfer of A6 post No. 40.15 in the Directorate of Political Affairs to the new Research and Planning Unit;

(e) the transfer of the A4 post (No. 22.21) in the Computer Division to the central Conference Section;

(f) the transfer of the A5 post (No. 12.11) of Head of Plan and Programme Division to the Directorate of Political Affairs;

(g) the assignment of Mr Moulin (an A5 official) to the A4 post in the central Conference Section, under Article 28 of the Regulations on Appointments.

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CM/Del/Concl(89)429

APPENDIX 1

429th MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 5 (10.15 am) - 6 October - A level
13 (10.15 am) - B level
23 (10.15 am) - 24 October - A level)

AGENDA

1. Adoption of the Agenda
(Notes No. 7517 of 5.10.89)

Political and General Policy Questions (1)

2. Political aspects of European co-operation and of current international events (Resolution (84)21)
(Notes No. 7518 of 29.9.89)
3. Committee of Ministers - Preparation of the 85th Session (16 November 1989)
(Concl(89)428/3, CM(89)155 and Corr. of 8.9.89)
(Notes No. 7519 of 2.10.89 and Add. of 18.10.89)
4. Consultative Assembly - 3rd Part of the 41st ordinary Session (Strasbourg, September 1989)
 - a. Texts adopted
(Notes No. 7520 of 10.10.89)
 - b. Evaluation of the Session
(Notes No. 7514 of 19.9.89)
 - c. Parliamentary questions for oral answer by the Chairman of the Committee of Ministers
(Notes No. 7521 of 28.9.89)
5. Commission for Democracy through Law
(Concl(89)428/39, CM(89)82)
(Notes No. 7499 of 20.9.89)
6. Situation of refugees of Bulgarian nationality in Turkey - Assembly Recommendation 1109
(Concl(89)428/4a)
(Notes No. 7523 of 28.9.89)
7. Underwater cultural heritage - Written Question No. 303 by Mr van der Werff
(Concl(89)426/9 and 428/11, CM(88)59, 214 and CM(89)65)
(Notes No. 7401 of 13.7.89)

(1) See also Item 40f below.

8. North-South
 - a. Africa-Europe Encounter (Porto Novo, Benin, 31 August - 3 September 1989)
(Concl(89)428/7 and CM(89)171 of 10.10.89)
(Notes No. 7524 of 5.10.89)
 - b. Report on the deliberations of the enlarged Working Party of the Ministers' Deputies on the proposed European Centre for Global Interdependence and Solidarity
(Concl(89)427/6a, 428/7, CM(89)106, 170 of 4.10.89, 172 of 4.10.89, 172 rev. of 6.10.89, 173 of 4.10.89 and 175 of 6.10.89)
(Notes No. 7525 of 5.10.89)
9. Draft Intergovernmental Programme of Activities for 1990
(Add. to CM(89)136 and Corr., 167 of 20.10.89 and Add. of 24.10.89, 179 of 19.10.89, 180 of 19.10.89 and Add. of 23.10.89)
(Notes No. 7534(*) of 12.10.89)
10. Situation in Cyprus
(Concl(89)428/8)
(Notes No. 7497 of 15.9.89)
11. Conferences of Specialised Ministers - State of preparation
(Concl(89)428/9, CM(89)168 of 6.10.89, SG/D/Inf(89)7 of 10.10.89)
(Notes No. 7522 of 11.10.89)

(*) Notes No. 7534 replace Notes No. 7526 of 3.10.89

Human Rights and Mass Media (1)Decisions to be taken under Article 32
of the European Convention on Human Rights

12. Cyprus against Turkey
(Concl(89)428/15, Letter HD/C12 of 1.2.84)
(Notes No. 7498 of 15.9.89)
13. D against Belgium
(Concl(89)425/17)
(Notes No. 7502 of 18.9.89)
14. Azzi against Italy
(Concl(89)425/22)
(Notes No. 7503 of 18.9.89)
15. Catanoso against Italy
(Concl(89)423/16, CM(89)148)
(Notes No. 7504 of 19.9.89)
16. Biondo against Italy
(Concl(89)427/13)
(Notes No. 7506 of 20.9.89)
17. Karlsson against Sweden
(Notes No. 7505 of 20.9.89)
18. Van Eesbeeck against Italy
(Notes No. 7507 of 20.9.89)
19. Garzarolli against Austria
(Notes No. 7508 of 20.9.89)
20. Axelsson and others against Sweden
(Notes No. 7509 of 20.9.89)

Application of Article 54
of the European Convention on Human Rights

21. Judgment of the European Court of Human Rights
in the case of H. against Belgium
(Concl(89)425/24)
(Notes No. 7510 of 20.9.89)
22. Judgment of the European Court of Human Rights
in the Bouamar case
(Concl(89)425/25)
(Notes No. 7511 of 20.9.89)
23. Judgment of the European Court of Human Rights
in the Ciulla case
(Concl(89)425/31)
(Notes No. 7512 of 21.9.89)

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(1) See also items 40c and d below

Legal Questions (1)

24. Ad hoc Committee of Experts on Movement of Persons (CAHCP) - Report of the 3rd meeting (Strasbourg, 20-23 June 1989) (CM(89)151) (Notes No. 7488 of 12.9.89)
25. Entry visas required of Turkish Nationals - Assembly Recommendation 1014 and Written Question No. 301 by Mr Celikbas (Concl(88)420/35 and 36, CM(89)151 paragraphs 50 and 51) (Notes No. 7489 of 12.9.89)
- *26. Draft Recommendation No. R(89)... on education in prison (Concl(89)428/41c, CM(89)129 and Add. I) (Notes No. 7500 of 20.9.89)

Social and Economic Questions

27. European Health Committee (CDSP) - Report of the 25th meeting (Strasbourg, 19-23 June 1989) (CM(89)146 and Add. I and II)
- a. Report of the meeting
 - b. Draft Recommendation No. R(89)... on the organisation of multidisciplinary care for cancer patients
 - c. Draft Recommendation No. R(89)... on the ethical issues of HIV infection in the health care and social settings
- (Notes No. 7531 of 28.9.89)
28. Draft Recommendation No. R(89)... on legal protection and assistance for migrants appealing against decisions concerning their work permits, residence permits or expulsion (Concl(89)427/39b, CM(89)58 Add. and CM(89)97 Add. I) (Notes No. 7513 of 25.9.89)
- #*29. European Population Committee (CDPO) - Report of the 9th meeting (Strasbourg, 20-23 June 1989) (CM(89)145 rev. and Add. I-IV) (Notes No. 7496 of 19.9.89)

(1) See also item 40b below.

* B level

No debate envisaged

- #*30. European Social Charter - Division of the Contracting States to the Social Charter into two groups for the purposes of the supervision procedure
(CM(89)156)
(Notes No. 7495 of 14.9.89)
- #*31. European Social Charter - Procedure for the election of five members of the Committee of Independent Experts (Article 25)
(CM(89)159)
(Notes No. 7527 of 26.9.89)
- *32. Public Health Committee (Partial Agreement) (CD-P-SP), Draft Resolution AP(89)... on the classification of medicines which are obtainable only on medical prescription
(CM(89)163)
(Notes No. 7516 of 25.9.89)

Youth

- #*33. European Youth Centre (EYC) - 1988 Annual Report of the Governing Board on the activities of the EYC
(CM(89)157)
(Notes No. 7491 of 12.9.89)

Education, Culture and Sport

- #*34. Draft Recommendation No. R(89)... designed to foster the mobility of researchers in Europe
(Concl(89)428/51a, CM(88)55, CM(89)135)
(Notes No. 7528 of 3.10.89)
- #*35. Distance teaching - Assembly Recommendation 1110
(Concl(89)428/4a)
(Notes No. 7529 of 28.9.89)

Environment and Local Authorities

36. Control and regulation of transfrontier movements of toxic waste
(Concl(89)424/48 and 428/55, CM(89)30, Misc(89)15)
(Notes No. 7515 of 21.9.89)
37. Ad hoc Committee for Transfrontier Co-operation (CAHCT) - Report of the 3rd meeting
(Strasbourg, 17-19 May 1989)
(Concl(89)428/58, CM(89)130 and Add. I and II)
(Notes No. 7465 of 18.7.89)

* B level

No debate envisaged

- *38. Draft Recommendation No. R(89)... on rational use of land: basis and limiting factor of our development (CM(89)147)
(Notes No. 7501 of 19.9.89)

Administrative Questions (1)

39. Preparation of forthcoming meetings - Draft schedule for the first half of 1990
(Notes No. 7530 of 3.10.89 and Add. of 19.10.89)
40. Other business
- a. Communication from the Secretary General
 - b. Request by the Commonwealth of the Bahamas to be invited to accede to the Convention on the Transfer of Sentenced Persons (ETS No. 112)
(Notes No. 7532 of 29.9.89)
 - c. Improvement of the procedures of the European Convention on Human Rights - Written Question No. 307 by Mr. Stoffelen
(Concl(89)427/27, CM(89)104)
(Notes No. 7538 of 17.10.89 and Add. of 20.10.89)
 - d. Remuneration of the Judges of the European Court of Human Rights - Draft report and recommendations of the Enlarged Rapporteur Group of the Ministers' Deputies on Human Rights
(CM(89)176 of 5.10.89 and rev. of 23.10.89)
(Notes No. 7539 of 17.10.89 and Add. of 23.10.89)
 - #*e. Membership of the Budget Committee - Replacement of the alternate member in respect of France for the period ending on 31 December 1989
(Notes No. 7537 of 11.10.89)
 - f. Audio-visual EUREKA - Follow-up to the Joint Declaration of 2 October 1989
(Concl(89)429/40a, CM(89)182 of 13.10.89 and Add. of 13.10.89)
(Notes No. 7543 of 16.10.89)
 - g. Secretariat Structures and Staff Appointments

(1) See also Items 40e and g.

* B level

No debate envisaged

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CM/Del/Concl(89)429

APPENDIX 2

430th MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 6 (10.15 am) (*) - 7 November 1989 - A level)
(10 November 1989 (10.15 am) (Human Rights) - A level)

DRAFT AGENDA

1. Adoption of the Agenda
(Notes No. 7562 of ...)

Political and General Policy Questions

2. Political aspects of European co-operation and of current international events (Resolution (84)21)
(Notes No. 7547 of 19.10.89)
3. Committee of Ministers - Preparation of the 85th Session (16 November 1989)
(Concl(89)429/3, CM(89)155 and Corr. and ...)
(Notes No. 7561 of ...)
4. North-South - European Centre for Global Interdependence and Solidarity
(Concl(89)429/8b, CM(89)106, 170, 172 rev., 173 and 175)
(Notes No. 7550 of ...)
5. East-West co-operation at the close of the 20th century - Assembly Recommendation 1112
(Concl(89)429/4a)
(Notes No. 7546 of 25.10.89)
6. Situation of refugees of Bulgarian nationality in Turkey - Assembly Recommendation 1109
(Concl(89)429/6)
(Notes No. 7549 of ...)

N.B. In accordance with the deadline rules for the dispatch of reference documents and Notes on the Agenda, the date limits are:

CM 9 October 1989
Notes 20 October 1989

- Human Rights items for Friday, 10 November 1989

CM 13 October 1989
Notes 26 October 1989

(*) Enlarged Working Group - Relations between the Council of Europe and Eastern European Countries

7. Entry visas required of Turkish nationals - Assembly Recommendation 1014 and Written Question No. 301 by Mr Celikbas
(Concl(89)429/25)
(Notes No. 7536 of 20.10.89)
8. Situation of minorities in Romania - Assembly Recommendation 1114
(Concl(89)429/4a)
(Notes No. 7548 of 25.10.89)
9. Situation in Cyprus
(Concl(89)429/10)
(Notes No. 7551 of 24.10.89)
10. Control and regulation of transfrontier movements of toxic waste
 - a. Draft declaration of the Committee of Ministers
(Concl(89)424/48, 425/50, 429/36, Misc(89)15)
(Notes No. 7535 of 25.10.89)
 - b. Assembly Recommendation 1115
(Concl(89)429/4a and 36, Misc(89)15)
(Notes No. 7540 of 20.10.89)

Human Rights and Mass Media

N.B. Items 11-19 to be dealt with under Article 32 and in application of Article 54 of the European Convention on Human Rights are listed at the end of this draft agenda.

Social and Economic Questions

20. European Pharmacopoeia - Co-operation with the Commission of the European Communities on the standardisation of biological products and reference preparations - Contract with the EEC and opening of a special account
(CM(89)185 of 18.10.89)
(Notes No. 7544 of 20.10.89)

Environment and Local Authorities

21. Draft Recommendation No. R(89)... on rational use of land: basis and limiting factor of our development
(Concl(89)429/38, CM(89)147)
(Notes No. 7545 of 20.10.89)

Administrative Questions

22. Preparation of forthcoming meetings
(Notes No. 7563 of ...)
23. Other business
 - a. Communication from the Secretary General

Friday, 10 November 1989 at 10.15 am

Human Rights

Decisions to be taken under Article 32
of the European Convention on Human Rights

11. Akdogan against the Federal Republic of Germany
(Concl(89)425/19)
(Notes No. 7552 of 25.10.89)
12. Zengin against the Federal Republic of Germany
(Concl(89)427/15)
(Notes No. 7553 of 25.10.89)
13. Biondo against Italy
(Concl(89)429/16)
(Notes No. 7558 of 25.10.89)

Application of Article 54
of the European Convention on Human Rights

14. Judgment of the European Court of Human Rights in the
Poiss case
(Concl(89)426/13)
(Notes No. 7554 of 25.10.89)
15. Judgments of the European Court of Human Rights in the
Erkner and Hofauer case
(Concl(89)426/14)
(Notes No. 7559 of 25.10.89)
16. Judgment of the European Court of Human Rights in the
Inze case
(Concl(89)426/15)
(Notes No. 7555 of 25.10.89)
17. Judgments of the European Court of Human Rights in the
Lamy case
(Concl(89)426/18)
(Notes No. 7557 of 25.10.89)
18. Judgments of the European Court of Human Rights in the
Öztürk case
(Concl(89)424/29)
(Notes No. 7560 of 25.10.89)
19. Judgment of the European Court of Human Rights in the
Soering case
(Concl(89)428/67i)
(Notes No. 7556 of 25.10.89)

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APPENDIX 3
(item 39)Schedule of meetings for the first half of 1990

NB - Ordinary A and B-level meetings open at 3 pm at each level.
- "A (DH)" meetings open at 10.15 am.

<u>No.</u>	<u>Level</u>	<u>Month</u>	<u>Date</u>	<u>Days</u>
432nd	A	January	10-16	Wednesday - Tuesday
	B	January	17-18	Wednesday - Thursday
433rd	A (DH)	February	6	Tuesday
434th	A	February	19-23	Monday - Friday
	B	February	26-27	Monday - Tuesday
435th	A (DH)	March	12	Monday
436th	B	March	22-23	Thursday - Friday
	A	March	26-30	Monday - Friday
437th	A (DH)	April	3	Tuesday
438th	A	April	18-24	Wednesday - Tuesday
	B	April	25-26	Wednesday - Thursday
86th	CM	May	[10]	[Thursday]
439th	A (DH)	May	14	Monday
440th	A	May	21-23	Monday - Wednesday
441st	A (DH)	June	11	Monday
442nd	B	June	14-15	Thursday - Friday
	A	June	18-22	Monday - Friday

Other meetings to be scheduled

Liaison Committee between the Council of Europe and Management and Labour (LCML): February or March

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APPENDIX 4
(item 26)

RECOMMENDATION No. R(89)12
OF THE COMMITTEE OF MINISTERS TO MEMBER STATES
ON EDUCATION IN PRISON

(adopted by the Committee of Ministers on 13 October 1989
at the 429th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the right to education is fundamental;

Considering the importance of education in the development of the individual and the community;

Realising in particular that a high proportion of prisoners have had very little successful educational experience, and therefore now have many educational needs;

Considering that education in prison helps to humanise prisons and to improve the conditions of detention;

Considering that education in prison is an important way of facilitating the return of the prisoner to the community;

Recognising that in the practical application of certain rights or measures, in accordance with the following recommendations, distinctions may be justified between convicted prisoners and prisoners remanded in custody;

Having regard to Recommendation No. R(87)3 on the European Prison Rules and Recommendation No. R(81)17 on Adult Education Policy,

Recommends the governments of member States to implement policies which recognise the following:

1. All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, vocational education, creative and cultural activities, physical education and sports, social education and library facilities;
2. Education for prisoners should be like the education provided for similar age groups in the outside world, and the range of learning opportunities for prisoners should be as wide as possible;

3. Education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context;
4. All those involved in the administration of the prison system and the management of prisons should facilitate and support education as much as possible;
5. Education should have no less a status than work within the prison regime and prisoners should not lose out financially or otherwise by taking part in education;
6. Every effort should be made to encourage the prisoner to participate actively in all aspects of education;
7. Development programmes should be provided to ensure that prison educators adopt appropriate adult education methods;
8. Special attention should be given to those prisoners with particular difficulties and especially those with reading or writing problems;
9. Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour market;
10. Prisoners should have direct access to a well-stocked library at least once per week;
11. Physical education and sports for prisoners should be emphasised and encouraged;
12. Creative and cultural activities should be given a significant role because these activities have particular potential to enable prisoners to develop and express themselves;
13. Social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating the return to society;
14. Wherever possible, prisoners should be allowed to participate in education outside prison;
15. Where education has to take place within the prison, the outside community should be involved as fully as possible;
16. Measures should be taken to enable prisoners to continue their education after release;
17. The funds, equipment and teaching staff needed to enable prisoners to receive appropriate education should be made available.

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APPENDIX 5
(item 27b)

RECOMMENDATION No. R(89)13
OF THE COMMITTEE OF MINISTERS TO MEMBER STATES
ON THE ORGANISATION OF MULTIDISCIPLINARY
CARE FOR CANCER PATIENTS

(adopted by the Committee of Ministers on 24 October 1989
at the 429th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of
the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to
achieve a greater unity between its members and that this aim may be
pursued, inter alia, by the adoption of a common approach in the
public health and social welfare fields;

Aware of the high incidence of various types of cancer amongst
the peoples of Europe;

Noting with satisfaction the progress achieved in developing
successful treatments for certain specific types of cancer;

Noting equally the encouraging level of resource allocation in
the field of cancer research;

Recognising that psychological and social support is essential for
patients with cancer;

Having regard to the fact that the relief of severe pain and
other distressing symptoms is for an important number of cancer
patients unnecessarily ineffective;

Noting the need to achieve a consistently high quality in the
diagnosis, treatment and management of people with cancers at specific
sites (eg breast, stomach, colon);

Considering the vital importance of effective
multidisciplinary teamwork among health professionals as a means to
the delivery of a high standard of cancer care;

Concerned to note the level of stress which affects
professional health staff working with cancer patients as well as the
patients;

Recognising that inadequate pain control may be due to factors
other than lack of knowledge among doctors and nurses;

Noting with satisfaction the provision in some member States of home care and of intermediate care for cancer patients and mindful of Recommendation No R (80) 4 concerning the patient as an active participant in his own treatment together with Recommendation No. R (80) 6 concerning cancer control;

Mindful of the scarcity of health care resources in the psychological field and bearing in mind Resolution (78) 61 on the Role of the psychologist as a member of a medical team caring for parents, children and adolescents;

Noting the use of alternative medicine by cancer patients as well as or instead of orthodox medical care,

Recommends the governments of member States of the Council of Europe to follow the guidelines set out in the Appendix to this Recommendation.

Appendix to Recommendation No. R(89)13

GUIDELINES

National health administrations are requested to :

Communication skills and psychological support

- 1.1 Instruct health authorities to ensure that training in communication skills is provided for all doctors, nurses and therapists working with cancer patients in both the hospital and home situation,
- 1.2 direct health authorities to ensure the appropriate involvement of the patient's family at all stages of diagnosis, treatment and care and to provide suitable accommodation within hospitals where discussion of distressing news may take place between doctors, nurses, patients and families in privacy,
- 1.3 advise health authorities of the need to provide accommodation within hospitals where care staff including social workers may take part in conferences about patients, and themselves receive support through group discussion,
- 1.4 draw to the attention of universities, health authorities and other bodies responsible for the training of nurses and doctors the fundamental importance of including in their curricula basic education in communication skills, since these personnel bear the primary responsibility for psychological support to the patient and his family during the course of the illness;

Pain control and other symptom relief

- 2.1 Require health authorities to ensure that training in pain control and other symptom relief be provided for all doctors, nurses and therapists working with cancer patients, as recommended in the 1986 World Health Organisation guidelines on "Cancer Pain Relief",
- 2.2 ensure the availability on a country-wide basis of specialist resources for control of severe pain and other symptoms in those patients who cannot successfully be relieved at the primary level,
- 2.3 make available to the medical profession under controlled conditions those opioids essential for the relief of severe pain, ensuring in particular that controlling legislation does not prevent cancer patients from obtaining the necessary pain-relieving opioids,
- 2.4 draw to the attention of universities, health authorities and other bodies responsible for the training of nurses and doctors the fundamental importance of including basic education in symptom control, particularly pain relief, in their curricula,
- 2.5 endorse the principles developed by the World Health Organisation in relation to the assessment, diagnosis and management of cancer patients as the foundation for cancer education, and as a necessary prerequisite to optimal pain and other symptom control;

Joint professional education

3. Promote the provision of joint professional education as a means of improving teamwork in cancer care by the allocation of designated funding specifically earmarked for that purpose;

Multidisciplinary working and other organisational issues

- 4.1 Encourage professional associations and local health authorities to support actively the drawing up of multidisciplinary protocols to include diagnosis, treatment and management for patients with different types of cancer,
- 4.2 examine and evaluate the advantages of national and regional plans in the organisation of a comprehensive cancer care strategy,
- 4.3 develop, where it does not already exist, the concept of home care with groups of workers including social workers providing a domiciliary support service in close cooperation with general practitioners where appropriate, using all modern communication methods including round-the-clock telephone advice and support,
- 4.4 promote actively the hospice philosophy of continuing care for chronic and terminally ill patients in the form of intermediate treatment services and day care facilities,
- 4.5 take active steps to ensure that health authorities provide doctors and nurses working with cancer patients at home with sufficient timely information to allow a high standard of continuing care for each patient,

- 4.6 advise health authorities to encourage the appointment of a designated responsible clinician for each person with cancer from among the health professionals caring for that person,
- 4.7 stimulate the design and piloting of a summary card to be held by each cancer patient to provide shared information for the different health professionals involved in the treatment and care of the patient,
- 4.8 advise professional organisations, associations and local health authorities that where a number of different professions are involved in the management of a cancer patient, joint planning at an individual level is essential for optimal care,
- 4.9 require local health authorities to review staffing levels for cancer care on a regular basis, recognising that inadequate staffing levels are the major source of stress among health professionals caring for cancer patients,
- 4.10 recommend to the competent authorities that research should be undertaken to investigate:
- a) the specific problems of particular groups of cancer sufferers especially the elderly and children,
 - b) the practicability of identifying those people developing cancer who have a poor psychological prognosis with a view to targetting specialist psychological care to these more vulnerable patients,
 - c) the extent of use of alternative medicine together with patient's motives in adopting this approach.

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APPENDIX 6
(item 27c)

RECOMMENDATION No R (89) 14

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES
ON THE ETHICAL ISSUES OF HIV INFECTION
IN THE HEALTH CARE AND SOCIAL SETTINGS

(adopted by the Committee of Ministers on 24 October 1989
at the 429th meeting of the Ministers' Deputies) (1) (2)

Para. No.

1. The Committee of Ministers under the terms of Article 15.b of the Statute of the Council of Europe,
2. Considering that the aim of the Council of Europe is to achieve greater unity between its members and that this aim may be pursued, inter alia, by the adoption of common action in the health field;
3. Aware of the magnitude of the challenge HIV infection represents for Public Health Authorities in the absence of vaccine and curative treatment;
4. Conscious in particular of the ethical issues arising in health care and social settings deriving from the need to balance individual and collective rights and duties in the fight against infection;
5. Believing that respect for the human and social rights of HIV infected individuals and patients with Aids is crucial for the success of a preventive public health policy;
6. Bearing in mind in this respect the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Social Charter;

(1) When this Recommendation was adopted the Representative of Sweden, referring to Article 10.2.d of the Rules of Procedure the Meeting of the Ministers' Deputies, recorded her abstention and in an explanatory statement said that her Government will not consider itself bound by the Recommendation.

(2) When this Recommendation was adopted the Representative of Iceland, in application of Article 10.2.c of the Rules of Procedure for the Meetings of the Ministers' Deputies, reserved the right of his Government to comply or not with first sub-paragraph of paragraph 41 of Appendix to the Recommendation concerning "partner notification".

7. Recalling its Recommendation No R (87) 25 concerning a Common European Public Health Policy to fight the Acquired Immunodeficiency Syndrome (AIDS) and in particular the recommendations concerning the implementation for a comprehensive information strategy,
8. Recommends that the Governments of Member States :
9. - ensure that the principles contained in the Appendix to the Recommendation, drawn up in the light of present knowledge, are reflected in the application of national public health policies to fight HIV infection,
10. - for this purpose, ensure that the Recommendation is brought to the attention of all those individuals and bodies responsible for the drawing up and implementation of policies to fight HIV infection.

APPENDIX TO RECOMMENDATION No R (89) 14I. PUBLIC HEALTH POLICY

11. In this connection, the three main ethical and legal issues to be addressed are :

12. - whether to introduce voluntary testing, or various forms of screening;

13. - whether to offer infected persons the same guarantees of confidentiality, as other patients;

14. - whether to introduce restrictive measures.

15. In the light of present knowledge, voluntary testing, integrated into the process of counselling, is the approach which is most effective from the public health point of view, and most acceptable ethically and legally, provided that it is supported by vigorous information campaigns, full respect for confidentiality and the implementation of a non-discriminatory policy.

A. Voluntary testing and screening

16. It follows from the above that public health authorities are recommended to :

a) in relation to counselling and voluntary testing

17. - ensure that voluntary testing is easily accessible at sites such as STD clinics, primary health care services, in particular general practitioners' practices, as well as drug treatment centres; that such services respect confidentiality, are always accompanied by counselling and are free of charge (or covered by social security through a confidential system);

18. - provide training for counselling allowing for the acquisition of the necessary skills by large numbers of health care and social workers especially at primary health care level and by health care volunteers;

19. - ensure that counselling services are consensual and confidential, provide for continuing psychological and practical support, are respectful of the dignity and autonomy of individuals and assist them in understanding their rights and responsibilities in relation to HIV infection;

- 20. - promote and regularly evaluate information and education strategies for the general public and those likely to engage in risk behaviour and promote research on behaviour and attitudes associated with HIV transmission, factors favouring behaviour change and its maintenance;
- 21. - intensify targetted health information and education programmes for those who are potentially exposed, stressing the importance of risk behaviours;
- 22. - ensure that those population groups most difficult to reach (eg. ethnic minority groups, the sensorily deprived, those with learning difficulties, etc.) are effectively informed through targetted outreach campaigns;
- 23. - consider seriously non-coercive pragmatic approaches (eg. the availability of sterile syringes and needles for drug misusers, the provision of instructions on methods of cleaning needles and the availability of condoms in prison), to reduce probabilities of transmission in relation to high-risk situations; such measures should be part of a comprehensive preventive policy including information, counselling and treatment;
- 24. - promote the adoption of non-discriminatory policies in all settings concerned and ensure their implementation (see below under V).

b) In relation to systematically offered screening

- 25. - carefully examine the advisability of introducing systematically offered screening programmes as a preventive measure in the light of various issues, namely :
- 26.
 - . the rationale of the proposed programme,
 - . the population to be screened,
 - . specific prevalence rates,
 - . the test method to be used,
 - . the intended use of data obtained from screening,
 - . how results are to be communicated to the person tested and how pre- and post-test counselling is to be accomplished,
 - . the social impact of screening,
 - . legal and ethical considerations raised by the proposed screening programme.
- 27. - delegate to health care staff the task of identifying, in the light of specific prevalence rates, groups and individuals to whom targetted testing should be offered, respecting informed consent and confidentiality of data;
- 28. - ensure that in order to fulfil the preventive objective of systematically offered screening programmes, counselling services are offered to all individuals to be screened.

c) In relation to systematic screening (routine)

29. - in the light of present knowledge and in the absence of curative treatment, consider systematic screening unethical and contrary to the rights of individuals, if carried out automatically on population groups without informed consent and without counselling, because it overrides the principles of autonomy and physical integrity, affects the privacy of the individual, and is likely to have serious psychological, social and financial consequences for the individual;
30. - ensure that such procedures are not carried out by drawing the attention of health care staff and services on ethical unacceptability of these measures.

d) In relation to mandatory screening

31. - fully implement mandatory screening in respect of donations of blood, and those donating mothers' milk, organs, tissues, cells and semen donation in compliance with the usual strict requirements of informed consent and regulations for confidentiality of data;
32. - carefully examine how results are to be communicated to the person tested and how pre- and post- test counselling is to be accomplished.

e) In relation to compulsory screening

33. - consider, in the absence of curative treatment and in view of the impossibility of imposing behaviour modification and the impracticability of restrictive measures, compulsory screening as being unethical, ineffective, unnecessarily intrusive, discriminatory and counterproductive;
34. - ensure that compulsory screening is not introduced for any population group and especially for any given population group such as "captive" populations e.g. prisoners, immigrants and military recruits;
35. - make available information and counselling to such groups.

B. Confidentiality

36. Public health authorities are recommended to :
- in relation to reporting of cases
37. - ensure that the reporting of Aids cases and, where required by Health Authorities, of seropositivity is used for epidemiological purposes only and therefore carried out in strict compliance with appropriate confidentiality regulations and in particular that data is transmitted on a non-identifiable basis:
38. . to avoid any possible discriminatory use of sensitive health related data,
39. . to avoid discouraging individuals from seeking voluntary testing,
- In relation to the patient-health care worker relationship
40. - strongly support respect for confidentiality, if necessary by introducing specific policies, and by promoting educational programmes for health care workers to clarify confidentiality issues in relation to HIV infection.
- In relation to partner notification
41. - ensure that as a general rule there is no partner notification without the consent of the patient, and consider procedures of consultation in accordance with national codes of medical ethics and regulations for the extreme case where a patient refuses to cooperate in the notification of an unsuspecting third party known to the health care worker;
42. - ensure that the autonomy and the dignity of the patient is fully respected in this context as well as confidentiality;
43. - draw the attention of health care staff to the crucial role extensive counselling plays for successful partner notification;
44. - draw the attention of health care staff to the importance of assisting patients in understanding their responsibility towards partners;
45. - support partner notification within a comprehensive preventive strategy providing accessible services including confidential provider referral where necessary without patient identification;

C. Health controls

46. Public health authorities are recommended to :
47. - refrain from introducing restrictions on freedom of movement through ineffective and costly border procedures, for travellers of all kinds, including migrant workers;
48. - not to resort to coercive measures such as quarantine and isolation for people infected with HIV or those who have developed Aids.

II. HEALTH CARE WORKERS

49. The general rules applying to the workplace (see section V.A) also apply to health care settings; additional recommendations are however needed in view of the specific caring duties of health staff and the ethical and legal consequences involved.

A. PREVENTIONa) Education and training

50. - health care workers should receive appropriate education about the human immunodeficiency virus, about infection by the virus, about its psychological and social implications, and about the prevention of infection; such education should also explain the general ethical and legal issues in relation to HIV-infection including its possible recognition as an occupational disease; this education should be integrated into basic, in-service and further education;
51. - health care workers directly in contact with patients should in particular be educated in:
52. . routine use for all patients of safe-handling techniques and procedures for the control of infection by blood and such body substances that might transmit infectious diseases and HIV in particular,
53. . epidemiological trends of HIV infection to assist them identify those persons to whom voluntary testing should be proposed,
54. . counselling techniques and methods helping to give the necessary psychological support to the patient,
55. . ethical and legal issues in relation to HIV infection,
56. - pre-hospital emergency care providers should also receive basic as well as continuing education on methods to prevent transmission of infectious diseases.

b) Methods and procedures for the prevention of infection in health care settings

57. - In order to protect health care workers whose job involves exposure to blood and body fluids, or tissues suspected of being infected, permanent and enforceable standards should be adopted as regards standard operating procedures related to the treatment of blood-borne diseases; emphasis should be laid upon precautions designed to prevent needle-stick injuries, and these should be used routinely for all patients;

58. - these standards should be elaborated on the basis of an evaluation of the potential exposure of health care professionals to infection, through an examination of their working conditions and the specific tasks which they might encounter (*);
59. - health care workers should consider all patients as potentially infectious and should adhere rigourously to precautions concerning blood, body fluids and tissues or other control of infection procedures;
60. - hospitals and other medical facilities should, under the supervision of health authorities, implement a system of control and protective measures (including standard operating procedures); in parallel health staff should receive appropriate training, protective equipment should be made available and adherence to recommended control procedures should be monitored; in case of failure, counselling, education and retraining should be made available.

(*) The following classification of risk-related tasks should be recommended:

- Category I : Requires protective equipment to be worn during the task;
- Category II : The task belonging to Category I might occur unexpectedly, therefore protective equipment should be easily and immediately accessible;
- Category III : Does not require any protective equipment.

c) Medical and psychological support for
health care staff

61. - health authorities or other employers concerned should make available (without cost) to any health care professional who cares for HIV patients and who may be at risk of infection:
62. . medical counselling as a result of the above-mentioned monitoring,
63. . psycho-social counselling to cope with the strain which health care professionals caring for HIV infected or AIDS patients may undergo;
64. - following a known or suspected parenteral accidental exposure to blood, body fluids or tissues, serological testing and counselling should be made available; such a monitoring programme should include strict provisions for the protection of the confidentiality of test results.

B. Health care staff infected with HIV

65. - should be informed and should seek counselling about potential risks associated with taking care of patients with transmissible infections and about measures to minimise the risk of exposure both for themselves and for their patients;
66. - should refrain from undertaking any "medical activities" that might create even a minimal risk of transmission to patients; this approach also applies to seropositive health care professionals working independently);
67. - should be counselled, when appropriate, to seek either job restructuring or reallocation of work (if such possibilities exist) or flexible scheduling;
68. - should be informed of provisions and procedures allowing for the possible recognition of HIV infection as an occupational disease or accident at work.

C. Duty of health professionals

69. - all health care workers have an obligation to care for people infected with HIV and AIDS patients; only when employee protection is clearly insufficient (lack of protective equipment, training, etc.) may the health care professional decline to perform tasks involving risk. Therefore :
70. . a health care worker may not ethically and/or contractually refuse to treat a patient whose condition is within his current realm of competence solely because the patient is seropositive,
71. . any health care worker who is not able to provide the care and services required by a person with AIDS should refer the patient to those doctors or facilities which are equipped to provide such services; until the referral can be accomplished, the doctor must care for the patient to the best of his/her ability,
72. . the principle of freedom among doctors to choose whether or not to treat patients has to be implemented in such a way that it does not support discrimination against individuals or groups of patients; it should be consistent with rules governing the doctor-patient relationship;
73. . a violation of these principles should be reported to the competent authority which will act according to legislation.

III. HEALTH CARE AND SOCIAL ASSISTANCE

74. Discrimination by health care and social services, public or private, should be considered unethical and the interests of social solidarity, where those of the individual and society converge, should be given priority.
75. Public health authorities are therefore recommended to :
- in relation to social security
76. - ensure that health care both in- and out-patient, preventive and therapeutic, is either free of charge or that costs are reimbursed in accordance with existing social security systems;
- in relation to health care services
77. - ensure full provision without discrimination of a comprehensive range of preventive activities and services such as information, counselling, testing, psychological support;
78. - offer a full range of health care services, both in- and out-patient, including terminal care, staffed by multidisciplinary teams, so that preference can be given to those services which are considered to correspond best to psychological and social requirements of individuals;
- in relation to social assistance
79. - ensure the cooperation between social workers and health care workers to help those infected in maintaining an integrated and productive life within the community, and to assist them with psychological, family, social, employment, financial and legal questions;
80. - promote domiciliary health care and home-help services and the setting-up of self-help groups by supporting voluntary associations;

IV. EPIDEMIOLOGICAL RESEARCH

81. With a view to their possible contribution to the planning of information and education campaigns as well as health care services, the introduction of epidemiological surveys should be considered as a means of assessing the incidence and prevalence of the infection. To balance the ethical and legal issues they raise and to meet scientific requirements it is recommended that :
82. - before authorising epidemiological studies of seroprevalence on representative samples of the population, authorities should :
- . ensure that such studies are carried out in compliance with ethical and legal requirements,
 - . assess carefully the scientific value of the prospective results in terms of public health strategies;
83. - if such studies are authorised, the public should be adequately informed;
84. - if national legislation or regulations allow for testing to be carried out without consent, results should be unlinked and consequently anonymous;
85. - if testing is to be carried out with consent, linked testing should be done on those who accept and an unlinked test should be offered to those refusing a named testing;
86. - counselling and voluntary testing should as much as possible be made easily available in settings where unlinked testing is carried out;

V. SOCIAL SETTINGS

87. As HIV is not transmitted through normal social contact, because of its long latency period and because there is no evidence that HIV infection implies by itself impaired occupational performance, there is no justification for screening for evidence for HIV infection in the workplace nor in educational settings. Similarly discrimination in relation to accommodation cannot be justified.
- A. Employment
88. It is recommended that competent authorities ensure that :
- before employment
 - 89. - any practice by public or private employers to compel a prospective employee to submit to a test for evidence of HIV infection should be vigorously opposed; the prospective employee should not be subjected to pressure to disclose whether he/she is infected with HIV;
 - 90. - no sanction should be imposed subsequently if evidence later emerges of an HIV positive test prior to recruitment.
 - During employment
 - 91. - employees should not be compelled to undergo screening for evidence for HIV infection nor to reveal detailed information about personal behaviour;
 - 92. - employers should see to it that their staff management policies provide HIV infected employees with the same rights and benefits offered to employees with other predispositions, illnesses and disabilities;
 - 93. - employees with any disease or disability, including HIV infection, should be treated fairly and with understanding and should be allowed to continue working as long as they are able to do so.
 - In relation to occupational health services
 - 94. - occupational health care staff should on no account be compelled by an employer to carry out HIV screening on applicants or employees;
 - 95. - occupational health care staff if informed by an employee of a possible HIV infection, should treat the employee's case with the usual rules of confidentiality and use such information only in the interest of the patient's health;

96. - on no account should the occupational health care staff reassess his aptitude in the light of such information (unless the employee might risk exposure to factors in the workplace potentially detrimental to his health), on no account should they be required to inform the employer of the condition of any worker who is HIV infected;
97. - employers should have a duty to protect the confidentiality of medical information relating to their employees, particularly as concerns HIV infection; therefore health data should only be handled and stored by authorised personnel who are bound by rules on medical confidentiality.
- In relation to staff management policies and information programmes
98. - employers, top level management and trade union leadership should openly and unequivocally adopt non-discriminatory employment policies and initiate, support and finance educational programmes about HIV infection, its transmission and preventive measures;
99. - the occupational health doctor should cooperate closely in the development of such programmes.
- B. Education
100. It is recommended that competent authorities ensure that :
- in relation to screening
101. - compulsory screening programmes should not be introduced for pupils, students and teachers as a selection procedure;
- in relation to staff management policies
102. - all recommendations listed under employment should be followed with respect to teachers;
- in relation to information programmes
103. - school health education programmes about HIV-infection and Aids should be an integral part of a more planned and sequential programme of comprehensive school health education which includes education for family life and sex education; they should start before pupils reach the age of puberty;
104. - a vigorous training programme should be initiated for teachers and health educators involved;
105. - such programmes should be developed in close cooperation with school health services and health care staff in the community to ensure consistency of information and appropriate follow up by health care staff (eg. counselling, testing);

- in relation to confidentiality

106. - school health staff, teachers and other educational staff should all strictly respect the principles of confidentiality;
107. - decisions on whether to inform the school of the presence of an HIV infected child or adolescent should be taken only when in the interest of the person in question on a case by case basis and after a consultation among, if possible the infected person, the parents, the teachers and the health care staff.

C. Housing

108. It is recommended that competent authorities :
109. - contact housing agencies to provide them with information on HIV infection, on the social rights of individuals, on sanctions in case of discriminatory policies;
110. - promote the organisation of suitable housing arrangements integrated within the community for people infected with HIV in need of accomodation.

VI. INSURANCE

111. National authorities should cooperate with private insurance companies to elaborate a code of practice with a view to ensuring :
- respect for the dignity and private life of an individual,
 - seeking of informed consent with counselling for any form of testing,
 - no introduction of screening for group insurance policies,
 - protection of health related data and any other confidential information affecting the privacy of the individual,
 - the adoption of unequivocal policies concerning HIV infection.
112. National authorities should consider studying insurance possibilities for HIV infected individuals.

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113. In all the settings and situations where discrimination and violation of civil and social rights of an individual may arise, there should be an appropriate and confidential system providing speedy redressement of violation or discrimination.

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APPENDIX 7
(item 28)

DECISION No. CM/473/241089

Ad hoc terms of reference

1. Name of relevant committee: AD HOC COMMITTEE OF EXPERTS
ON MOVEMENT OF PERSONS (CAHCP)
2. Source of terms of reference: Committee of Ministers
3. Completion date: July 1990
4. Terms of reference:

To give an opinion on possible implications of the draft
Recommendation on legal protection and assistance for migrants
appealing against decisions concerning their work permits,
residence permits or expulsion (CM(89)58 Add.) might have for
the free movement of persons.
5. Other committee(s) to be
informed of terms of reference: EUROPEAN COMMITTEE ON MIGRATION
(CDMG)

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APPENDIX 8
(item 32)

RESOLUTION AP(89)3
ON THE CLASSIFICATION OF MEDICINES WHICH ARE OBTAINABLE ONLY
ON MEDICAL PRESCRIPTION

(superseding Resolution AP (88) 2)

(adopted by the Committee of Ministers on 13 October 1989
at the 429th meeting of the Ministers' Deputies) (1)

The Representatives on the Committee of Ministers of Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, States parties to the Partial Agreement in the Social and Public Health Field, and the Representatives of Austria, Denmark, Ireland, Spain and Switzerland, States participating in the public health activities carried out within the above-mentioned Partial Agreement since 1 October 1974, 2 April 1968, 23 September 1969, 21 April 1988 and 5 May 1964 respectively,

Considering that the aim of the Council of Europe is to achieve greater unity between its members and that this aim may be pursued, amongst others, by common action in the social and public health fields;

Having regard to the provisions of the Brussels Treaty, signed on 17 March 1948, by virtue of which Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland declared themselves resolved to strengthen the social ties by which they were already united;

Having regard to the Protocol modifying and completing the Brussels Treaty, signed on 23 October 1954 by the signatory states of the Brussels Treaty on the one hand, and the Federal Republic of Germany and Italy on the other hand;

-
- (1) When this Resolution was adopted, the Representatives of Austria, the Federal Republic of Germany and the United Kingdom, in application of Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, reserved the right of their Governments to comply or not with paragraph 5.b of the General Provisions appended to the Resolution.

Observing that the seven States parties to the Partial Agreement which have resumed, within the Council of Europe, the social work hitherto undertaken by the Brussels Treaty Organisation and then by the Western European Union (WEU), which derived from the Brussels Treaty as modified by the Protocol mentioned in the fourth paragraph above, as well as Austria, Denmark, Ireland, Spain and Switzerland, which participate in Partial Agreement activities in the field of public health, have always endeavoured to be in the forefront of progress in social matters and also in the associated field of public health, and have for many years undertaken action towards harmonisation of their legislation;

Considering further that the lack of uniform laws on the supply of medicines restricted to medical prescription has created problems in the field of public health and, at the present time, raises difficulties at international level;

Considering in particular that the tendency towards auto-medication and over-medication is increasing;

Believing that it is therefore increasingly necessary to achieve harmonisation of national laws in this field,

I. Recommend to the governments of the seven States parties to the Partial Agreement as well as to those of Austria, Denmark, Ireland, Spain and Switzerland, that they restrict to medical prescription the supply of the medicines mentioned in the General Provisions set out hereafter;

II. Invite the same governments to accept amendments which may be made later to the appendices¹ to this Resolution by the Public Health Committee (CD-P-SP), which shall carry out an annual revision of these lists in the light of the General Provisions set out hereafter.

¹ Appendix I = Alphabetical list of medicines

Appendix II = Pharmaco-therapeutic classification of medicines in the alphabetical list in Appendix 1.

These appendices are issued separately.

GENERAL PROVISIONS

governing the drawing up and periodical revision of the list of medicines which are obtainable on medical prescription

1. The only substances affected by the recommended provisions are those used for medical purposes.
2. Narcotic drugs are not referred to when they are already covered by special common provisions concerning the rules governing their supply.
3. This resolution does not apply to homeopathic preparations or to other similar non-allopathic minute dose preparations on the market in the member states. Sale and supply of these preparations are governed by legal provisions in force in each member state.
4. The lists of medicines which are obtainable only on medical prescription are drawn up with reference not only to their toxicity, but also to all the risks, direct or indirect, which they may represent to human health and, in particular, according to:
 - a. their acute and chronic toxicity;
 - b. results of clinical trials and experience in use (adverse reactions, tolerance, etc.);
 - c. their intended actions and uses.

Salts, esters and salts of ester are subject to the same classifications as the substances themselves, unless otherwise specified in the lists.

In cases where several drugs are present in a preparation, the classification should take account of the phenomenon of synergy - whether potentiating or not - antagonism or changes in the effects of the components.

5. A medicine may not be supplied except on a medical prescription when one or more of the following conditions apply:
 - a. it contains an active principle not previously used for medical purposes and, in particular, a new chemical molecule. In such cases, a final decision concerning any restrictions to be permanently applied shall be taken within three years of introduction on to the market, and the participating states will be notified accordingly;
 - b. it is used parenterally; ¹, ², ³;

¹ By "parenteral" are intended the subcutaneous, intracutaneous, intramuscular, intravenous, intraspinal, intracisternal, epidural, intraperitoneal, intra-articular, intracardiac and other similar routes.

² Reservation of the Federal Republic of Germany on this point.

³ Austria and the United Kingdom reserve the right to supply insulin without a medical prescription, although it is used parenterally.

- c. it contains one or more substances in Lists I or II in Appendix I hereafter, to which the following criteria apply:

List I

The supply of a medicine containing one of the substances in this list may only be repeated if the prescriber so specifies on the prescription.

List II

The supply of a medicine containing one of the substances in this list may be repeated without the prescriber having so specified, provided that he did not explicitly forbid such repetition:

- during a period of six months following the date of issue of the prescription, and
- not more than five times during the same period, provided that such a supply does not permit an increase in the posology indicated by the prescriber.

Exemptions from Lists I and II

For certain substances, exemptions from the "prescription only" requirement may appear in Lists I and II:

- in respect of low dosage or concentration and/or therapeutic indications,
- according to the route of administration and the composition of the drug,
- according to the total container content.

Preamble to the list of medicines
which are obtainable only on medical prescription

1. Minimum requirements

The classifications shown are to be considered as minimum requirements; consequently, governments are free to apply stricter rules in any given case.

2. Provisional classifications

Certain medicines are provisionally classified, especially in cases where further information or consultation with interested parties might be useful. Provisionally classified medicines are suitably marked, that is, with an asterisk.

3. Nomenclature

Wherever possible, the nomenclature used is that of the International Non-Proprietary Names (INN) of the World Health Organisation.

4. Revisions

Annual revisions will deal with:

- final classification of medicines provisionally classified;
- proposals for adding or deleting medicines;
- proposals for adding or deleting exemptions;
- proposals for amending exemption conditions.

Proposals for revision will be submitted by 1 January of each year in order to be examined by the competent bodies before 1 July. In cases of urgency, proposals for revision may be submitted at any time.

5. Date of adoption

The published list will indicate in each case the date on which it was adopted by the Public Health Committee and transmitted to the governments concerned.

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APPENDIX 9
(item 37)

DECLARATION
OF THE COMMITTEE OF MINISTERS
ON TRANSFRONTIER CO-OPERATION IN EUROPE
ON THE OCCASION OF THE 40th ANNIVERSARY
OF THE COUNCIL OF EUROPE

(adopted by the Committee of Ministers on 6 October 1989,
at the 429th meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe,

On the occasion of the 40th Anniversary of the Council of Europe,

Recalling the Council of Europe's constant and repeated efforts over a period of many years in connection with transfrontier co-operation ;

Welcoming the incessant endeavours of the Standing Conference of Local and Regional Authorities of Europe (CLRAE), the European Conference of Ministers responsible for Regional Planning (CEMAT) and the Parliamentary Assembly to combat xenophobia, incomprehension, mistrust and intolerance, so that the psychological barrier established at frontiers by centuries of history shall be dismantled for all time ;

Noting with satisfaction the progress achieved in frontier regions towards creating a new spirit and making the peoples of Europe aware of the solidarity among them and their common destiny ;

Recognising that frontier regions, the scars of history, now link the peoples of Europe together and that there is now a general consensus among those with political responsibility for territorial authorities on the need to work with their neighbours in a spirit of co-operation, neighbourliness, openness and solidarity ;

Convinced of the need to pursue the search for ideas and the work which is under way, while restating the importance of transfrontier co-operation with a view to achieving true solidarity among citizens of Europe by the year 2000,

1. Recalls that co-operation between the states of Europe has developed within the Council of Europe in a very wide range of fields, such as regional planning, the environment, urban and rural development, infrastructure, economic policy, planning, the problems of frontier workers, coping with natural disasters, the harmonisation of law, culture, science, research and technology, and notes with satisfaction that, as far as the frontier regions are concerned, it has been directed towards :

- identifying the problems of frontier regions and defining appropriate practical solutions ;

- systematising and co-ordinating initiatives ;

- informing and raising the awareness of European, governmental, regional and local agencies and the public of the problems and beneficial effects of transfrontier co-operation ;
 - gradually eliminating the legal, administrative, economic and cultural obstacles still all too frequently encountered in respect of harmonisation ;
2. Recognises that their common interests make frontier communities the major protagonists of regional development and an ideal proving ground for co-operation and, this being so, encourages the work being done to prevent these regions from ever again being drawn towards an unbalanced and marginal situation and to commit them instead to the future, thanks to transfrontier co-operation, and to a harmonious process of development with due regard to the powers prescribed by the domestic law of each state ;
3. Recalls the existence of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities of 1980, ratified by fourteen member states, and invites those which have not yet done so to review their position with a view to acceding to the Convention, so as to ensure that good neighbourly relations between peoples are furthered on either side of frontiers. It invites the signatory states to the Convention to implement it, particularly by concluding bilateral agreements, and to use the model agreements proposed ;
4. Thanks all the transfrontier institutions, organisations and associations for their efforts to find solutions to problems relating to their common interests, and urges them to continue these endeavours in future with special emphasis on improving relations with frontier regions of Central and Eastern European states, in the spirit of the Council of Europe Outline Convention ;
5. Encourages continued study, in the most appropriate manner, of the work which is under way in co-operation with the European Community institutions :
- in order to develop the exchange of information between all agencies of transfrontier co-operation, national governments and territorial authorities ;
 - in order gradually to remove the barriers of every kind - administrative, legal, political and psychological - which might curb the development of transfrontier projects ;
6. Declares that the development of transfrontier co-operation, which gives practical expression to a true solidarity between peoples, is a major contribution to the progress of European unification, essential to healthy, fair and balanced growth in the Europe of tomorrow, and important in guaranteeing generations to come a future of peace and freedom.

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APPENDIX 10
(item 37)

Alternative 1

MODEL AGREEMENT

on the creation and management of
transfrontier parks (*)

The Governments of
and of
[and of]

and/or the competent territorial authorities of
and of

- aware of the need to work together in protecting nature, landscapes and the environment and developing the natural areas which are necessary to the quality of human life ;
- wishing to harmonise their decisions affecting the management of an area of outstanding value overlapping their common frontiers ;
- intent on preserving the area's natural assets and landscape features and providing the public with exceptional facilities for learning about nature and the environment,
- have agreed as follows :

Article 1:

1. The Parties agree that this area shall be designated " TRANSFRONTIER PARK".
2. The park shall comprise :
 - . on the side, the area situated
 - . on the side, the area situated
 - [. on the side, the area situated]
3. The precise boundaries of the park are shown on the map which is attached to this agreement and is an integral part thereof.

(*) The transfrontier parks which may form the subject of an agreement on the lines of Alternative 1 are those which in general are classified in categories B and C of the Council of Europe classification contained in Resolution (73) 30 of the Committee of Ministers.

Article 2:

1. The Parties undertake, each in accordance with its own laws :
 - to maintain and improve the natural landscape and its specific character ;
 - to protect and enrich its natural heritage (fauna, flora, habitats) ;
 - to take the necessary steps to preserve the factors likely to influence the above-mentioned ecological and physical assets of the transfrontier park and the environment ;
 - to protect and enhance the cultural heritage (whether architectural, archaeological, rural or historical) ;
 - to promote information, education and reception facilities as part of a general policy for environmental appreciation and the interpretation of the natural and cultural heritage ;
 - to supervise and guide the economic, social and cultural activities in the park which further the aims stated above without transforming its character.

2. To this end, the Parties undertake to harmonise their methods of management and to co-ordinate all development projects or improvements by means of a comprehensive action programme leading ultimately to joint management of the park based on a joint management plan. The Parties will promote the exchange of information and experience.

Article 3:

1. A Joint Committee (*) of ... members shall be set up, comprising :
[representatives of the State as well as regional authorities]
 - ... members from the side
 - ... members from the side
 - [- ... members from the side]

2. The Joint Committee shall establish a local Committee, whose membership shall include representatives of the States and the regional and local authorities concerned, to take charge of implementing this agreement.

Are also included representatives of recognised private nature conservation organisations and organisations which contribute to the safeguarding of the landscape and the environment.

At least once a year the local Committee shall submit a progress report to the Joint Committee together with any proposals relevant to management and development of the park.

3. The Joint Committee may set up any other committee or working party.

(*) In establishing a Joint Committee, one can take into account the existing institutions for transfrontier co-operation.

4. The Joint Committee's terms of reference shall be :

- to ensure transfrontier co-operation through co-ordinated implementation of the objectives listed in Article 2 of this agreement ;
- to deal with all other matters relating to management of the park.

5. The Joint Committee shall hold ... meetings each year. It may call in experts at these meetings.

- It adopts its own rules of procedure.

- The Chairmanship of the Joint Committee shall be held alternately by a member of each national delegation ; the length of the chairman's term of office will be laid down in the rules of procedure.

Article 4:

Each party shall defray the expenditure of its own delegation to the Joint Committee.

Article 5:

This agreement is concluded for a period of ... years as from its entry into force. It shall then be automatically renewed, for a further period of ... years, unless denounced by one of the Parties one year prior to expiry (*).

(*) Protocols may be added, notably on the lines of the models appended to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

Article 6:

Each Party shall notify the other of the completion of the procedures required by its domestic law (**) for the entry into force of this agreement, which shall take effect on the date of the last notification (**).

Done at, this ... day of, in ... copies, in the and languages, each text being equally authentic.

(**) The agreement should specify in detail the procedures required by the domestic law of the Parties to the agreement, which may apply to the following questions:

- name and address of the commission;
- precise definition of the powers assigned to the commission;
- regulations governing the decision-making methods;
- reference to the public nature of deliberations;
- definition of the relevant rules with regard to budget and estimates;
- definition of the methods of funding projects;
- definition of the methods of amending the rules (ie the terms of the agreement);
- definition of the methods of admission to and withdrawal from membership;
- etc.

(***) For all other arrangements the Parties may refer to the general clauses for model inter-State agreements appended to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

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APPENDIX 11
(item 37)

Alternative 2

MODEL AGREEMENT

on the creation and management of
transfrontier rural parks (*)

The Governments of and/or
the regional authorities of and/or
the local authorities of

- aware of the need to co-operate in protecting the environment and developing the areas of particular scenic beauty and natural value which are necessary to the quality of life ;
- acknowledging the need of the local population to continue and develop economic and socio-cultural activities which do not damage the above mentioned values ;
- wishing to establish and extend facilities for natural education and outdoor recreation for the public and the population of these areas,
- have agreed as follows :

Article 1:

1. The Parties agree that this area shall be designated "..... TRANSFRONTIER RURAL PARK".
2. The park shall comprise :
 - . on the side, the area situated
 - . on the side, the area situated
 - [. on the side, the area situated]
3. The precise boundaries of the nature park are shown on a map which is attached to this agreement and is an integral part thereof.

(*) The transfrontier parks which may form the subject of an agreement on the lines of alternative 2 are those which in general are classified in category D of the Council of Europe classification contained in Resolution (73) 30 of the Committee of Ministers.

Article 2:

1. The Parties undertake, each in accordance with its own laws :
 - to maintain and improve the natural landscape and its specific character ;
 - to protect and enrich its natural heritage (fauna, flora, habitats) ;
 - to protect and enhance the cultural heritage (whether architectural, archaeological, rural or historical) ;
 - to help educate people towards a better appreciation and wider knowledge of the area's natural and cultural heritage ;
 - to take the necessary steps to preserve the factors likely to influence the above-mentioned ecological and physical assets of the transfrontier park and the environment ;
 - to promote and guide economic and socio-cultural activities through integrated development capable of contributing to the well-being of the population in the area concerned, conservation of the qualities of its natural and cultural heritage and enhancement of its recreational value.
2. To this end, the Parties undertake to harmonise their methods of management and to co-ordinate all development projects or improvements by means of a comprehensive action programme leading ultimately to joint management of the park based on a joint management plan. The Parties will promote the exchange of information and experience.

Article 3:

1. A Joint Committee of ... members shall be set up, comprising :
 - ... members from the side
 - ... members from the side
 - [- ... members from the side]
2. The Joint Committee may set up (*) a local Committee, whose membership shall include representatives of the States and the territorial authorities concerned, to take charge of implementing the present agreement.

At least once a year the local committee shall submit a progress report to the Joint Committee together with any proposals relevant to management and development of the park.
3. The Joint Committee may set up any other committee or working party.

(*) The need for a local committee to be set up will depend on the composition of the Joint Committee and the status of the Signatories to this model agreement.

4. The Joint Committee's terms of reference shall be :

- to ensure transfrontier co-operation through co-ordinated implementation of the objectives listed in Article 2 of this Agreement ;
- to deal with all other matters relating to management of the park.

5. The Joint Committee shall hold ... meetings each year. It may call in experts at these meetings.

- It adopts its own rules of procedure.

- The Chairmanship of the Joint Committee shall be held alternately by a member of each national delegation ; the length of the chairman's term of office will be laid down in the rules of procedure.

Article 4:

Each party shall defray the expenditure of its own delegation to the Joint Committee.

Article 5:

This agreement is concluded for a period of ... years as from its entry into force. It shall then be automatically renewed, for a further period of ... years, unless denounced by one of the Parties one year prior to expiry (*).

(*) Protocols may be added, notably on the lines of the models appended to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

Article 6:

Each Party shall notify the other of the completion of the procedures required by its domestic law (**) for the entry into force of this agreement, which shall take effect on the date of the last notification (**).

Done at, this ... day of, in ... copies, in the and languages, each text being equally authentic.

(**) The agreement should specify in detail the procedures required by the domestic law of the Parties to the agreement, which may apply to the following questions:

- name and address of the commission;
- precise definition of the powers assigned to the commission;
- regulations governing the decision-making methods;
- reference to the public nature of deliberations;
- definition of the relevant rules with regard to budget and estimates;
- definition of the methods of funding projects;
- definition of the methods of amending the rules (ie the terms of the agreement);
- definition of the methods of admission to and withdrawal from membership;
- etc.

(***) For all other arrangements the Parties may refer to the general clauses for model inter-State agreements appended to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

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APPENDIX 12
(item 37)

Alternative 3

MODEL AGREEMENT

on the creation and management of
transfrontier parks (*) between
private law associations

The association ,
the association ,
[and the association], (**)

- aware of the need to work together in protecting the environment and developing the natural areas which are necessary to the quality of human life;
- wishing to co-ordinate their activities with a view to preserving the area's natural assets and landscape features;
- gathered at a constituent General Assembly held in on
- have agreed as follows:

Article 1:

There shall be established a private law transfrontier association:

1. - the association's founder members shall comprise:
 - a. represented by
 - b. represented by
 - c. represented by
- the admission of new members shall be subject to the following conditions:
 - a.
 - b.
 - c.

(*) The transfrontier parks which may form the subject of an agreement on the lines of Alternative 3 are those rural nature parks created by territorial authorities on a private law basis, which correspond to category D of the Council of Europe classification contained in Resolution (73) 30 of the Committee of Ministers.

(**) Whose Articles of Association are appended hereto.

2. - This association shall take the name
It will be referred to hereafter as the ASSOCIATION.

- Its headquarters shall be situated in in
the territory of

- Only the legislation and regulations of the country in which
the headquarters are situated shall be applicable, save as
otherwise expressly provided in an appendix hereto.

3. The object of the ASSOCIATION shall be
and in general any activity related directly or indirectly, wholly
or partly, to any of the ASSOCIATION's objects.

4. The ASSOCIATION shall be managed by a Management Committee which
will appoint:

- a. a chairman
- b. a vice-chairman
- c. a treasurer
- d. a secretary
- e. one or more assistants.

The members of the Bureau shall be appointed by the General
Assembly <meeting in ordinary session>.

Their term of office shall not exceed years and may
be renewed for a period of

The General Assembly shall meet at least once a year. Its
proceedings shall not be valid unless two-thirds of its members are
present.

The decisions shall be taken by a [relative] [absolute] majority
of the members.

Any member unable to attend may authorise another member [of the
same nationality] to vote on his behalf. No member may hold more than
.... votes.

5. The ASSOCIATION's Articles shall be revised at an extraordinary
meeting of the General Assembly, by a majority of <two-thirds of> the
votes of the members present. The Extraordinary General Assembly shall
meet on the proposal of the Management Committee or at least of two of
its members.

The ASSOCIATION may be dissolved by virtue of an amicable agreement
between the parties or a decision taken by a majority of the members
present at a meeting of the General Assembly convened in the proper way.

6. The Parties undertake to inform the Secretary General of the
Council of Europe of the setting up of the ASSOCIATION and to communicate
its Articles to him. The decision to dissolve the ASSOCIATION shall
likewise be communicated for information.

Article 2:

1. They also undertake, each in accordance with its own law, to take all appropriate action with a view to co-ordinate management of the transfrontier park.

This co-ordination will involve in particular:

- maintenance and improvement of the natural landscape and its specific character;
- protection and enrichment of the specific heritage (fauna, flora, habitats);
- the taking of the necessary steps to preserve the factors likely to influence the above mentioned ecological and physical assets of the transfrontier park and the environment;
- information, education and reception facilities as part of a general policy for environmental appreciation and the interpretation of the natural and cultural heritage;
- supervision and guidance of economic, social and cultural activities in the park to ensure that they are consistent with the aims stated above and that the character of the transfrontier park is preserved (*).

2. To this end, the Contracting Parties shall adopt joint action programmes of mutual interest, which might deal in particular with the following subjects:

- information;
- protection and development of plant and animal species;
- prevention and control of fires, epidemics, etc. ;
- protection of waterways and of shores and banks on both sides of the frontier;
- tourism;
- accommodation;
- footpaths.

Article 3:

The above mentioned joint action programmes of mutual interest shall be adopted by mutual agreement between the associations responsible for management of the nature parks concerned, within the deliberative and decision-making body referred to as the General Assembly.

(*) This last clause applies only to rural parks in which such economic and socio-cultural activities are organised.

Article 4:

The joint action programmes of mutual interest shall determine the time-limits, aims and means of financing of the activities undertaken, as well as the material questions relating to management. They shall also specify the procedure for calculating each Contracting Party's financial contribution.

Furthermore, provision shall be made for an adjustment to bring the contributions into line with new circumstances arising during the course of the programme.

Article 5:

The Parties undertake to implement the provisions of this agreement [and those of any joint action programmes of mutual interest signed in accordance with it].

Article 6:

This agreement is concluded for a period of ... years as from its entry into force. It shall be automatically renewed for further successive periods of ... years unless denounced by one of the Parties one year prior to expiry.

Article 7:

Each Party shall notify the other of the completion of the procedures required by its domestic law for the entry into force of this agreement, which shall take effect on the date of the last notification.

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APPENDIX 13
(item 37)

MODEL AGREEMENT
ON INTERREGIONAL AND/OR INTERMUNICIPAL
ECONOMIC AND SOCIAL CO-OPERATION

<Alternative 1> Inter-state agreement

[The Governments of
and of

<Alternative A>

- wishing to promote interregional economic and social co-operation in the interest of developing their respective frontier regions, have agreed as follows :

<Alternative B>

- wishing to promote economic and social co-operation between the regions of and of in the interests of the development of both regions, have agreed as follows :

<Alternative 2> Interregional and/or intermunicipal agreement

The regional/local authorities of
and of
of
and

- wishing to promote and facilitate interregional co-operation so as to afford opportunities for improving transfrontier economic relations ;
- wishing to strengthen the socio-economic structure of the regions concerned with a view to improving their employment and revenue situation ;
- believing that the regions' endogenous assets and potential can be used to better advantage from an economic and social standpoint to the benefit of both parties,

have agreed as follows :

Article 1:

The Parties agree to appoint a joint interregional Commission for economic and/or social co-operation.

Article 2:

The Commission is instructed

<Alternative 1>

to explore the possibility of carrying through joint projects, drawing up a programme of joint action in the field of regional development and settling the details for its implementation.

<Alternative 2>

to consider the following project (*) :
.....
and work out details for its implementation.

Article 3:

The Commission shall comprise places, divided equally between the Contracting Parties, and each Party shall decide on the balanced distribution of places of its delegation, under its own national law, between the territorial authorities covered by this agreement (governments, cantons, Länder, regions and/or local authorities).

In accordance with its terms of reference, the Commission shall be made up as follows :

Party A : [from the side :]

- [... members designated by national authorities]
- ... members designated by regional authorities
- [... members designated by local authorities] ;

Party B : [from the side :]

- [... members designated by national authorities]
- ... members designated by regional authorities
- [... members designated by local authorities] ;

(*) In this connection, see the list of subject areas contained in Article 6 of the Model Inter-State Agreement on Transfrontier Regional Consultation which appears as Model Agreement No. 1.2 in the Appendix to the European Outline Convention on Transfrontier Co-operation.

Article 4:

The Commission shall meet as often as necessary and shall hold at least ... meetings per year.

The chairmanship shall alternate between the two countries <every ... years>.

The Commission may co-opt experts.

The Commission shall adopt its own rules of procedure and the rules governing the work and funding of its Secretariat.

Article 5:

Each Party shall defray the expenses of its own delegation.

Article 6:

The present agreement is concluded:

<- for the duration of the project identified under Article 2, alternative 2>;

<- for a period of ... years from its entry into force. It shall then be automatically renewed, for a further period of ... years, unless denounced by one of the Parties one year prior to expiry.> (*)

(*) Additional protocols may be concluded, in particular on the models appearing in the Appendix to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

Article 7:

Each Party shall notify the other of the completion of the procedures required under its national law (***) for the implementation of the present agreement, which shall take effect from the date of the later notification (**).

Done at, this day of,
in copies, in the and languages, each text being
equally authentic.

(**) The agreement shall specify, providing details, where appropriate:

- a. the procedures required by the national law of Parties to the agreement which may apply to the following questions:
 - name and address of the Commission;
 - precise definition of the powers assigned to the Commission;
 - regulations governing decision-making methods;
 - reference to the public nature of deliberations;
 - definition of the relevant rules with regard to budget and estimates;
 - definition of the methods of funding projects;
 - definition of the methods of amending the rules (ie the terms of the agreement);
 - definition of the methods of admission to and withdrawal from membership;
 - etc.
- b. specifications required by Community directives and regulations for access to the structural Funds.

(***) For other wordings, the parties may refer to the general clauses for Model Inter-State Agreements 1.1 to 1.5 suggested in the Appendix to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

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APPENDIX 14
(item 37)

MODEL AGREEMENT
ON INTERGOVERNMENTAL CO-OPERATION
IN THE FIELD OF SPATIAL PLANNING

[creation of intergovernmental commissions on
transfrontier spatial planning]

Inter-state agreement

The Government of
and the Government of

- bearing in mind the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (1980) ;
- bearing in mind the European Regional/Spatial Planning Charter (1983) ;
- anxious to promote and facilitate co-operation in spatial planning where it relates to common frontier regions,

have agreed as follows:

Article 1:

A joint spatial planning commission (hereinafter referred to as "the Commission") shall be appointed.

Article 2:

[In Article 2, the development projects to be undertaken and the exact objectives of the Commission are determining factors in choosing the most suitable representation.]

The Commission shall comprise members :

- ... members from the side and
- ... members from the side;

In accordance with its terms of reference, the Commission shall be made up as follows :

Party A : [from the side :]

- ... members designated by national authorities
- ... members designated by regional authorities
- [... members designated by local authorities] ;

Party B : [from the side :]

... members designated by national authorities
... members designated by regional authorities
[... members designated by local authorities] ;

Article 3:

Within the framework of spatial planning activities undertaken by the parties, the Commission shall be responsible for ensuring co-operation between the frontier regions covered by these activities, for co-ordinating objectives in this field between those regions and for developing concerted action by all appropriate means within the scope of current legislation and regulation.

For this purpose, it shall :

- make proposals and recommendations on spatial planning in the said regions and present them to the competent bodies ;
- promote co-ordination and harmonisation of the following measures :
.....

Article 4:

The Commission may set up committees and/or working parties with the task of dealing with specific questions relating to a given region or a particular problem.

Article 5:

The Commission shall meet as often as necessary and shall hold at least ... meetings per year.

The chairmanship shall alternate between the two countries <every two years>.

The Commission may co-opt experts.

The Commission shall adopt its own rules of procedure and the rules governing the working and funding of its Secretariat.

Article 6:

Each party shall defray the expenses of its own delegation.

Article 7:

The present agreement is concluded for a period of ... years from its entry into force. It shall then be automatically renewed, for a further period of ... years, unless denounced by one of the Parties one year prior to expiry (*).

Article 8:

Each Party shall notify the other of the completion of the procedures required under its national law (**) for the implementation of the present agreement, which shall take effect from the date of the later notification (**).

Done at, this day of,
in copies, in the and languages, each text being
equally authentic.

(*) Additional protocols may be concluded, in particular on the models appearing in the Appendix to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

(**) The agreement shall specify, providing details, where appropriate:

- a. the procedures required by the national law of Parties to the agreement which may apply to the following questions:
 - name and address of the Commission;
 - precise definition of the powers assigned to the Commission;
 - regulations governing decision-making methods;
 - reference to the public nature of deliberations;
 - definition of the relevant rules with regard to budget and estimates;
 - definition of the methods of funding projects;
 - definition of the methods of amending the rules (ie the terms of the agreement);
 - definition of the methods of admission to and withdrawal from membership;
 - etc.
- b. specifications required by Community directives and regulations for access to the structural Funds.

(***) For other wordings, the parties may refer to the general clauses for Model Inter-State Agreements 1.1 to 1.5 suggested in the Appendix to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

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APPENDIX 15
(item 37)

MODEL AGREEMENT
ON INTERREGIONAL AND/OR INTERMUNICIPAL TRANSFRONTIER CO-OPERATION
IN THE FIELD OF SPATIAL PLANNING

<Alternative 1> Inter-state agreement

[The Governments of
and of,

wishing to promote transfrontier co-operation in the field of spatial
planning, have agreed that co-operation machinery shall be set up

between the regional/local authority of
and the regional/local authority of]

<Alternative 2> Interregional and/or intermunicipal agreement

The regional/local authorities of
and of

of
and of

- bearing in mind the European Outline Convention on Transfrontier
Co-operation between Territorial Communities or Authorities (1980) ;

- bearing in mind the European Regional/Spatial Planning
Charter (1983) ;

- wishing to promote and facilitate co-operation in the field of
spatial planning, in particular in their common frontier regions;

- convinced of the need to promote co-ordination and
harmonisation of spatial planning measures in their common frontier
regions;

- bearing in mind the existing national and regional plans and
programmes on spatial planning,

have agreed as follows:

Article 1:

a. Within the framework of current laws and regulations, the Parties
undertake to institute and develop a procedure for mutual
consultation to precede the stage of planning preparation in the field
of spatial development and, where appropriate, of regional
development.

b They shall endeavour to co-ordinate objectives and to work out joint policies in the field of spatial planning with regard to the development of their respective territories.

c. The Parties undertake to put in hand the measures necessary for implementing the projects co-ordinated by the competent [national] [regional] [local] authorities.

<Alternative 1>:

Article 2:

In order to implement Article 1, the Parties shall set up a Joint Commission [a group of experts] on spatial planning.

Article 3:

The Commission [group of experts] shall comprise
... representatives, members from the side and
... members from the side.

In accordance with its terms of reference, the Commission [group of experts] shall be made up as follows :

Party A : [from the side :]

([... members designated by national authorities])
... members designated by regional authorities
[... members designated by local authorities] ;

Party B : [from the side :]

([... members designated by national authorities])
... members designated by regional authorities
[... members designated by local authorities] ;

Article 4:

The terms of reference of the Commission [group of experts] shall be :

- to organise and conduct information exchange on all aspects of spatial planning in the region under review;
- to devise a procedure for consultation prior at the planning stage;
- to harmonise, within their own competence, spatial development plans;
- to confer together on the co-ordinated implementation of spatial development plans and projects.

[Article 5:

The Commission shall be served by a permanent Secretariat.]

Article 6:

The Commission shall meet as often as necessary, and shall hold at least ... meetings per year.

The chairmanship shall alternate between the two countries <every two years>.

The Commission may co-opt experts.

The Commission shall adopt its own rules of procedure and the rules governing the working and funding of its Secretariat.

Article 7:

Each party shall defray the expenses of its own delegation.

Article 8:

The present agreement is concluded for a period of ... years from its entry into force. It shall then be automatically renewed, for a further period of ... years, unless denounced by one of the Parties one year prior to expiry (*).

Article 9:

Each Party shall notify the other of the completion of the procedures required under its national law (**) for the implementation of the present agreement, which shall take effect from the date of the later notification (**).

Done at, this day of,
in copies, in the and languages, each text being
equally authentic.

(*) Additional protocols may be concluded, in particular on the models appearing in the Appendix to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

(**) The agreement shall specify, providing details, where appropriate:

- a. the procedures required by the national law of Parties to the agreement which may apply to the following questions:
 - name and address of the Commission;
 - precise definition of the powers assigned to the Commission;
 - regulations governing decision-making methods;
 - reference to the public nature of deliberations;
 - definition of the relevant rules with regard to budget and estimates;
 - definition of the methods of funding projects;
 - definition of the methods of amending the rules (ie the terms of the agreement);
 - definition of the methods of admission to and withdrawal from membership;
 - etc.
- b. specifications required by Community directives and regulations for access to the structural Funds.

(***) For other wordings, the parties may refer to the general clauses for Model Inter-State Agreements 1.1 to 1.5 suggested in the Appendix to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

<Alternative 2> :

Article 2:

The Parties shall instruct their competent spatial and regional planning services to take whatever measures are necessary for implementing Articles 1 a, b and c.

Article 3:

The Parties' competent services shall defray the expenses incurred in connection with Article 2.

Article 4:

The present agreement is concluded for a period of ... years from its entry into force. It shall then be automatically renewed, for a further period of ... years, unless denounced by one of the Parties one year prior to expiry (*).

Article 5:

Each Party shall notify the other of the completion of the procedures required under its national law (**) for the implementation of the present agreement, which shall take effect from the date of the later notification (**).

(*) Additional protocols may be concluded, in particular on the models appearing in the Appendix to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

(**) The agreement shall specify, providing details, where appropriate:

- a. the procedures required by the national law of Parties to the agreement which may apply to the following questions:
 - name and address of the Commission;
 - precise definition of the powers assigned to the Commission;
 - regulations governing decision-making methods;
 - reference to the public nature of deliberations;
 - definition of the relevant rules with regard to budget and estimates;
 - definition of the methods of funding projects;
 - definition of the methods of amending the rules (ie the terms of the agreement);
 - definition of the methods of admission to and withdrawal from membership;
 - etc.
- b. specifications required by Community directives and regulations for access to the structural Funds.

(***) For other wordings, the parties may refer to the general clauses for Model Inter-State Agreements 1.1 to 1.5 suggested in the Appendix to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

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APPENDIX 16
(item 38)

AMENDMENTS PROPOSED BY THE PERMANENT REPRESENTATION
OF AUSTRIA TO THE TEXT OF THE DRAFT RECOMMENDATION NO R(89)...
ON RATIONAL USE OF LAND: BASIS AND LIMITING FACTOR OF DEVELOPMENT

Point I.6:

Instead of "protecting" it should be written "protection";

Point I.7a:

Should read:

Periodic monitoring, by a standard method, of the area and area per inhabitant of built-up land (particularly in urban and conurbation areas, old industrialized areas and touristic centres);

Point I.7b:

The word "representative" should be deleted as the "monitoring" of the trends mentioned in this point should not only be carried out in "representative areas" but in all areas;

Point I.7c and d:

Analogous to Point I.7b the words "representative regions" should be deleted;

Point II.A.8.c:

Should be supplemented by the following phrase:

Divert pressure towards other, less developed, areas according to the principles of development plans and concepts;

New Point II.B:

After Point II.A "Urban development and housing" a new point II.B "Rural development and housing" should be inserted in order to assure that rural areas and rural building patterns are not neglected;

The points III.14.b and III.14.c should be removed from Point III. Agriculture and, due to their subject, be integrated into this new point (II.B);

The points under II.B.10 should read as follows:

Point II.B.10:

Rural development and housing

The planning approach should concentrate on the safeguarding of the basic functions of rural areas and village renewal, that means:

- a) renewal of existing houses and encouraging traditional rural building patterns by avoiding urban building patterns;
- b) encourage rural local development by appropriately integrating agricultural, tourist and handicraft activities;
- c) adjust services to the needs in order to ensure an agreeable environment;
- d) combat scattered settlements, especially second homes;
- e) protection of historic and cultural sites and landscapes;

Point II.C.11.e:

Should be supplemented as follows:

Encouraging new forms of accommodation, that are sparing of land (as alternatives to holiday homes, inter alia, by promoting new forms of ownership such as time-sharing);

Point II.D.13.d:

Should be supplemented as follows:

Bear in mind the secondary effects of infrastructure (particularly on the environment);

Point III.14a:

Should read as follows:

Reorganising the countryside, taking into account all the potential uses of the land, especially in agriculture and forestry;

Point III.14.d:

Should mention the problem of sewage sludge and should be supplemented as follows:

Combating the adverse effects of intensification and extensification of agriculture and of the deposition of sewage sludge.