

COUNCIL  
OF EUROPE



CONSEIL  
DE L'EUROPE

COMMITTEE OF MINISTERS

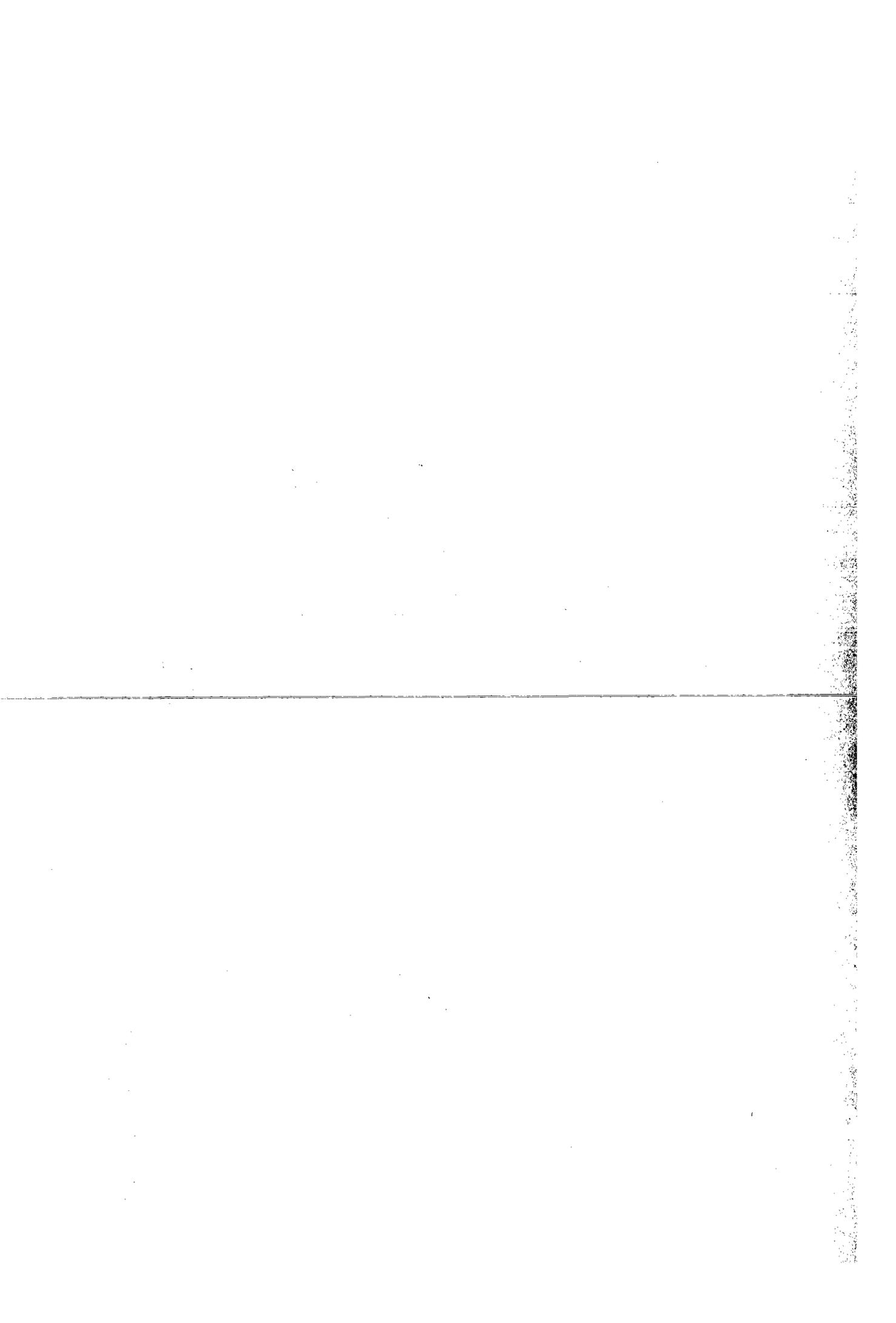
CONFIDENTIAL  
CM/Del/Concl (76) 254

**CONCLUSIONS**  
**OF THE 254th MEETING**  
**OF THE MINISTERS' DEPUTIES**

HELD IN STRASBOURG FROM 9 TO 18 FEBRUARY 1976



STRASBOURG



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The 254th meeting of the Deputies was chaired by Mr. C. H. Lüders, Deputy for the Minister of Foreign Affairs of the Federal Republic of Germany. The session on Monday 9 February 1976 was opened at 4 p.m. by the Vice-Chairman, Mr. N. Kambalouris.

PRESENT

|                             |                               |   |
|-----------------------------|-------------------------------|---|
| AUSTRIA                     | Mr. E.<br>Mrs H.              | Staffelmayer<br>Keller                                    |
| BELGIUM                     | Mr. J.<br>Mr. F.              | Bouha<br>Hintjens   |
| CYPRUS                      | Mr. C. H.                     | Filavachi   |
| DENMARK                     | Mr. P. A.<br>Mr. L. J.        | von der Hude<br>Bützow                                    |
| FRANCE                      | Mr. A.<br>Mr. F.              | Féquant<br>de Finance de Clairbois                        |
| FEDERAL REPUBLIC OF GERMANY | Mr. C. H.<br>Mr. H.<br>Mr. N. | Lüders, <u>Chairman</u><br>Heincke<br>Vorwerk             |
| GREECE                      | Mr. N.<br>Mr. G.<br>Mr. P.    | Kambalouris, <u>Vice-Chairman</u><br>Sioris<br>Caracassis |
| ICELAND                     | -                             | -   |
| IRELAND                     | Mr. S.<br>Miss M.             | O'Riadaín<br>Garvey                                       |
| ITALY                       | Mr. G.<br>Mr. V.<br>Mr. L.    | Cornaggia Medici<br>Rapolla<br>Fivano                     |
| LUXEMBOURG                  | Mr. P.<br>Mr. P.              | Hertz<br>Bremer   |
| MALTA                       | Mr. J.                        | Schembri  |
| NETHERLANDS                 | Mr. C. W.<br>Mr. P.           | van Boetzelaer van Asperen<br>Lagendijk                   |
| NORWAY                      | Miss K.<br>Mr. K.             | Olm<br>Tøraasen   |
| SWEDEN                      | Mr. A.<br>Mr. T.              | Fälthelm<br>Ganslåndt                                     |
| SWITZERLAND                 | Mr. A.<br>Mr. A.              | Wacker<br>Greber  |

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TURKEY

|         |           |
|---------|-----------|
| Mr. S.  | Günver    |
| Mr. O.  | Abbel     |
| Mr. Y.  | Fihçioğlu |
| Mr. C.  | Altan     |
| Miss A. | Berkem    |

UNITED KINGDOM

|           |                     |
|-----------|---------------------|
| Mr. P. M. | Foster              |
| Mr. G.    | Lec                 |
| Mr. A.    | Mallia Testaferrata |

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On behalf of the Committee, the Chairman welcomed Miss M Garvey, Deputy Permanent Representative of Ireland, Mr P Caracassis, Deputy to the Permanent Representative of Greece, and Mr Y Mihçioğlu, Deputy to the Permanent Representative of Turkey.

He conveyed the apologies of Mr Björnsson, Deputy Permanent Representative of Iceland, whose duties prevented him from attending the present meeting.

The Deputy Secretary General informed the Committee of two matters concerning Portugal's participation in the Organisation's cultural activities, in particular her accession to the European Cultural Convention. Details are reported under item V below.

The Secretary of the Committee recalled that, at their 253rd meeting (item XVII), the Deputies had adopted Resolution(76)1 on "Safety services in firms", with the Representative of the Federal Republic of Germany voting in favour ad referendum. As no objection had been raised by the German delegation by the opening of the present meeting, Resolution(76)1 was considered finally adopted.

At the same meeting under item XX, the Deputies had adopted a reply to Assembly Recommendation 758 on "Group participation by young people". The reply was approved ad referendum by the Representative of France who had since informed the Secretariat that his approval ad referendum was converted into an abstention. The reply to Recommendation 758 could therefore be communicated to the Assembly in the next Statutory Report.

During the meeting, the Deputy Secretary General announced the news of the appointment of Mr José Luis Messia, Marquis de Busianos, as Consul General of Spain in Strasbourg with the personal rank of Ambassador. Mr Messia, who, in his capacity as Director General of the Cultural Relations Department in the Spanish Foreign Ministry, had for some years headed the Spanish delegation to the CCC, would be following the work of the Council of Europe, in particular the Consultative Assembly, and of the European Parliament. He would take up his functions in Strasbourg at the beginning of March 1976.

In the course of the meeting, the Chairman informed the Committee that he had received a letter from Mr. A. Tryggvason, Permanent Representative of Iceland, announcing that he had relinquished that function on 6 February 1976, and had been assigned to other duties.

At the close of the meeting, the Chairman, on behalf of all his colleagues, wished farewell to Mr K Tøraasen, Deputy Permanent Representative of Norway, who was leaving his post to take up new duties in Oslo.

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Item I

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I. ADOPTION OF THE AGENDA

Postponement of items

The Representative of Italy thought that, in view of the late distribution of documents and/or Notes on the agenda, items VI (agenda of the XXXIst Session of the United Nations General Assembly), VIII (Draft Medium-Term Plan) and X (Structures, terms of reference and working methods of committees) should be postponed. He also proposed that item XV (Abolition of visas for stateless persons) be postponed as his delegation was not yet in a position to discuss the substance of the question.

The Representative of Switzerland, supported by the Representatives of France and Italy, proposed the automatic postponement of item XVII as the four-week rule concerning the distribution of reference documents had not been respected.

The Chairman recalled that under the four-week rule for the despatch of documents, an item should be automatically postponed if the rule had not been respected unless a simple majority of delegations are in favour of its retention; if the rule had been respected, however, the item should remain on the agenda unless a simple majority voted in favour of its postponement.

The Director of Political Affairs recalled that it had become the practice of the Committee not to postpone automatically all discussion on an item for which the documentation had been issued late, but rather to agree to defer a decision on the item while leaving delegations which had received instructions an opportunity to state their positions.

Distribution of reference documents for items on the agenda

The Representative of Switzerland drew attention to the difficulties that had arisen out of the late distribution of reference documents in particular the Notes on the agenda for the present meeting. His position was shared by the Representatives of France, Ireland, Italy and Norway. The Representative of Italy added that greater firmness should be exercised in rejecting items for which the reference documents were overdue.

The Deputy Secretary General pointed out in reply that delegations were increasingly requesting supplementary documentation to be treated with priority which meant that the processing of other papers for the Committee was automatically retarded. He agreed with the Representative of Italy that discussion of items for which new documentation was required should be deferred for longer periods. He added that steps were being taken within the Secretariat to eliminate the delays in the distribution of documents.

The Secretary of the Committee explained the specific nature of the reasons, which were purely technical, behind the late issue of the Notes on several items of the agenda of the present meeting.

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Item I

The Representative of Turkey said that for reasons already well known, his delegation reserved its position on item IX (Situation in Cyprus) with regard to both to substance and procedure.

Decisions

The Deputies

- i. adopted the agenda of the present meeting (App.I), subject to the inclusion under item XXVIII(Other business) of sub-items (a)-(h);
- ii. instructed the Secretary General to ensure strict observance of the procedural rules governing the distribution of Committee of Ministers papers and to make temporary use, if necessary, of staff from departments other than the Political Directorate.

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Item II

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II. COMMITTEE OF MINISTERS - Preparation of the 58th Session  
(Strasbourg, 6 May 1976)-(SG/D(76)2, CM(76)26 and 36)

The Chairman said Dr. Waldheim, the Secretary General of the United Nations, would be addressing the Consultative Assembly on 4 May 1976. He thought it important that in order to make the most of the opportunity of his presence in Strasbourg, he should be invited to address the Ministers at their forthcoming Session. Although there were certain difficulties over the dates, every effort should be made, in his opinion, to bring about such a meeting with the Ministers. He recalled the precedent in 1966 when the then Secretary General, U Thant, came to Strasbourg and addressed the Assembly and the Ministers. At that time the Representative of Belgium had said that it would be unthinkable not to benefit from the Secretary General's presence in Strasbourg and arrange for an exchange of views.

The Director of Political Affairs said that the Ministers had suspended their meeting to hold an exchange of views with U Thant. There had been no agenda and U Thant had had complete freedom to raise any questions he thought fit. The Ministers themselves had also put to him a number of questions of their own choice.

The Representative of Turkey drew attention to the role of Dr. Waldheim in the intercommunal talks which would be resumed in Vienna on 17th February. His role in these talks had evolved as a result of long and complex discussions; any discussion with him on the Cyprus question at the next ministerial meeting might, in view of the delicate situation, present certain difficulties. But Dr. Waldheim would of course decide himself what he would say.

The Representative of Greece said that, if the precedent stated by the Director of Political Affairs were followed, it would be difficult to lay down preconditions for the subjects which the Secretary General of the United Nations would broach and it seemed likely that the question of Cyprus would arise. However, by the beginning of May, positive progress might have been achieved in the talks which would perhaps make any discussion with Dr. Waldheim on Cyprus less of a problem in the view of certain delegations. Even so, if this were not the case, an effort should be made to bring about a rapprochement within the Council of Europe on the subject of Cyprus.

The Representative of Cyprus said that his preliminary reaction to the Chairman's suggestion would be to welcome the opportunity of a discussion with Dr. Waldheim. He agreed that it would not be possible to restrict the questions to be raised by him. He would be surprised if the subject of Cyprus were not raised because of its importance and topicality.

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Item II

At a later stage in the meeting the Secretary General pointed to the practical difficulties of inviting Dr. Waldheim on 6 May 1976, the only date available to the Chairman of the Committee of Ministers, Mr. Genscher, at the beginning of May. When Dr. Waldheim had been invited by the Assembly he had been given a choice of dates. He had selected 4 May and it might now be impossible for him to alter his plans. Also the Bureau of the Assembly, which did not meet until 26 March, would have to be consulted before any formal action could be taken by the President of the Assembly. He added that the President of the Commission of the European Communities would also address both organs on 6 May which might present certain additional difficulties.

A number of delegations said that, although they would be happy for an invitation to be extended to Dr. Waldheim, it would not be wise for the date of the 58th Session to be changed, if this were the only way to enable him to attend that Session.

The Chairman said that, before taking up technical arrangements, a decision in principle would be required on whether the Ministers were interested in a meeting with Dr. Waldheim. Before the Chairman of the Committee of Ministers, the German Foreign Minister Mr Genscher, extended an invitation to the Secretary General, Dr. Waldheim should be contacted informally and asked if it would be possible for him to postpone his visit to the Consultative Assembly envisaged for May for one or two days. Furthermore, the approval of the President of the Assembly was required for such a postponement. President Czernetz, asked informally by the Chairman for his opinion on this, had answered that he thought this would be possible, unless this arrangement did not lead to a new postponement of the whole visit of Dr. Waldheim to Strasbourg.

A vote on the principle of inviting the United Nations Secretary General gave the following result:

13 for, 0 against, 2 abstentions.

Referring to the proposals by the Secretary General in CM(76)36 for the provisional agenda of the 58th Session, the Chairman invited the comments of his colleagues on individual items.

Progress of European Co-operation

In reply to a question by the Representative of France, the Director of Political Affairs said that the President of the Commission of the European Communities had not previously attended a meeting of the Committee of Ministers, but Mr. Rey had done so in his capacity of Commissioner for External Relations. He had addressed the Committee and had replied to questions for approximately one and a half hours.

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Item II

Referring to the Tindemans Report, the Chairman said that the European Council would be considering that subject at the beginning of April. The Ministers would have to decide whether they wanted a discussion on this report at the 58th Session in May. In order to be able to prepare this Session satisfactorily he would ask for opinions based on instructions from the Ministers to be presented at the next meeting.

The Representative of Greece said that it would be useful to have the reaction of the Commission of the European Communities to the Report and perhaps Mr. Ortolini could comment on it. He expressed surprise that there was no reference whatsoever in the Report to the Council of Europe. (See also the section on the Tindemans Report under item III(b)).

Conferences of Specialised Ministers

The Deputy Secretary General recalled that at the 57th Session of the Committee of Ministers the Chairman, following the statement by the Secretary General on the Progress of European co-operation, took note of the Committee's agreement with the wish expressed by the Secretary General that the Committee should devote part of its discussions at the 58th Session to the problem of enhancing the value of conferences of specialised ministers. No delegation had expressed a negative opinion.

The Representative of Switzerland considered that the summing up by the Chairman did not constitute a formal decision on the part of the Committee of Ministers.

A number of delegations said that the Deputies would only continue their examination of this matter at their 256th meeting in April, on the basis of a Secretariat document. Even if significant progress was made on that occasion, insufficient time would be available for detailed preparation before the Ministerial meeting.

The Representative of Sweden stated that the Swedish Government held that the role of specialised Ministers with regard to the activities of the Council of Europe was an important political question for the Organisation. The question should therefore in the Swedish view be considered by the Ministers when it had been sufficiently prepared and when the time was ripe. However, having learnt from the Secretariat that the Secretary General's ideas on the matter would not be presented in March, as envisaged previously, but only in April, the Swedish delegation agreed with the opinion of the majority of delegations that the question of the role of specialised Ministers would not be ripe for discussion by the Committee of Ministers in May.

Following a vote (12 for, 1 against and 3 abstentions), it was agreed that this item should be deleted from the provisional agenda.

Conference on Security and Co-operation in Europe

The Representative of Luxembourg said that it should be possible to save time in the Ministers' discussion of this item since the implementation of the Final Act of the CSCE would be examined, with the participation of senior officials from national administrations, at the 256th meeting in April.

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Item II

The Representative of France recalled the decision taken by the Ministers at the 56th Session concerning the periodical discussion in the Committee of Ministers on the implementation of the conclusions of the CSCE.

The Representative of Switzerland proposed that, in view of the discussion on the CSCE which would take place at the 256th meeting one month before the Ministerial meeting, this item be postponed until the 59th Session in January 1977.

Portugal

The Chairman suggested that this item might be entitled "Portugal or Spain" or "Portugal and Spain".

The Representative of France said that he was in favour of "Portugal" since specific new developments were envisaged in April, namely parliamentary elections. This was not the case in Spain.

The Representative of Greece thought questions which were evolving rather than those which had already evolved should be considered by the Ministers. It was not necessary to wait for specific developments to take place. He accordingly favoured the inclusion of "Spain and Portugal" on the agenda.

Medium-Term Plan

The Representative of France said that when the Medium-Term Plan had been adopted by the Ministers, it would be necessary to give the maximum publicity to it. He thought the Plan should be mentioned in the press communiqué and at the Press Conference. The Secretariat might distribute a short brochure describing the Plan and its scope. He proposed that the Secretariat should take appropriate action on this matter.

Decisions

The Deputies

i. agreed to continue their preparation of the 58th Session of the Committee of Ministers at their 255th meeting (March 1976), on the basis of the following preliminary draft agenda:

1. Adoption of the agenda
2. Progress of European Co-operation
3. Conference on Security and Co-operation in Europe
- [4. Portugal]
5. Medium-Term Plan
6. Dates and place of forthcoming meetings
7. Other business
8. Press communiqué;

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ii. invited the Chairman of the Committee of Ministers to extend a formal invitation to the President of the Commission of the European Communities to participate in the discussion on the item "Progress of European Co-operation" at the 58th Session;

iii. asked the Chairman of the Committee of Ministers to explore in consultation with the President of the Consultative Assembly the possibility of extending an invitation, on behalf of the Committee of Ministers, to the Secretary General of the United Nations to address, if possible, the Committee of Ministers at its 58th Session on 6 May 1976;

iv. asked the Secretary General to take the necessary measures to give appropriate publicity to the Medium-Term Plan, following its adoption by the Ministers.

After the adoption of the above decisions, the Chairman, referring to decision (iii), announced that he had just heard from the Chef de Cabinet of President Czernetz that the latter had contacted Dr. Waldheim in Vienna the same day (18 February). It seemed doubtful whether Dr. Waldheim would be able to postpone his visit because he wished to fly to South Africa immediately after addressing the Assembly on the date originally envisaged (4 May). The matter had not yet been finally decided in the negative and he, the Chairman, would wait for precise information from Mr. Czernetz. At any rate, Mr. Genscher would only extend an invitation to Dr. Waldheim if a postponement was a practical possibility.

III. CONSULTATIVE ASSEMBLY - 3rd Part of the 27th Ordinary Session  
(Strasbourg, 26-30 January 1976)

a. Texts adopted

A. Opinions

Opinion No. 74 on the draft Medium-Term Plan 1976 to 80

Decision

The Deputies agreed to examine the text of this Opinion when considering the Draft Medium-Term Plan.

B. Recommendations

Recommendation 773 on the situation of "de facto" refugees

Recommendation 774 on the 3rd Activity report of the OECD Nuclear Energy Agency (NEA)

Recommendation 775 on the preparation of an agreement concerning the transfer of responsibilities for refugees who move lawfully from one member State of the Council of Europe to another

Recommendation 776 on the situation of rural and agricultural youth in Europe

Decision

The Deputies agreed to consider these Recommendations at their 256th meeting in April 1976.

Recommendation 777 on the 6th Progress Report of the International Centre for advanced Mediterranean agronomic studies

Decision

The Deputies agreed to examine this Recommendation at their 256th meeting in April 1976, in the light of the decision on the reply to Recommendation 691 taken under item XXIII of the agenda of the present meeting.

Recommendation 778 on the situation of the Jewish community in the Soviet Union

Decision

The Deputies agreed to hold a first exchange of views on this Recommendation at their 255th meeting in March 1976.

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Recommendation 779 on the rights of the sick and dying

Decision

The Deputies agreed to consider this Recommendation at their 258th meeting in May 1976

C. Resolutions

The Representative of Ireland said that the suggestion in Notes No.1503 that the Deputies 'might agree to take note of Resolutions 608, 611, 612, 614 and 616 at their 255th meeting in March 1976 unless any delegation wishes to comment on them' was somewhat unusual in form. He did not wish to comment on these Resolutions, four of which were political, at such short notice, but reserved his delegation's decision to do so at a future time. He thought that the 255th or 256th meeting would be appropriate. The Deputies could not well agree to decide to take note of these Resolutions at the following meeting. It was conceivable, though perhaps not likely, that the Committee would wish to take an alternative course of action.

Resolution 608 on Chilean Refugees

Resolution 611 in reply to the 20th and 21st annual reports of the European Conference of Ministers of Transport

Resolution 612 on the situation in Northern Ireland

Decision

The Deputies agreed to consider these Resolutions at their 256th meeting in April 1976.

Resolution 614 on the situation in Spain

Resolution 615 on the situation in Cyprus (General policy of the Council of Europe)

Resolution 616 on the situation in the Middle East

Decision

The Deputies agreed to consider these Resolutions at their 255th meeting in March 1976.

Resolution 609 on the timber industry situation in Europe

Decision

The Deputies agreed to examine this Resolution at their 256th meeting in April 1976, with a view to transmitting the text to member governments.

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Item III(a)

Resolution 610 on the Channel tunnel as a factor in the European network of traffic communications

Decision

The Deputies agreed to examine this Resolution at their 258th meeting in May 1976.

Resolution 613 on the rights of the sick and dying

Decision

The Deputies agreed to examine this Resolution in connection with Recommendation 779, at their 258th meeting in May 1976.

D. Orders

Order No. 356 on the Channel tunnel

Decision

The Deputies took note of this Order and asked the Secretariat to draw attention to it in the Notes on the agenda for the item concerning their examination of Resolution 610 (see above).

Text adopted by the Standing Committee acting on behalf of the Assembly on 27 November 1975

Resolution 607 containing a declaration on the Council of Europe and closer unity among European democracies

Decision

The Deputies agreed to consider this Resolution when discussing the preparation of the 58th Session of the Committee of Ministers.

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b. Statement by the President of the Assembly - (Concl.(76)253/II)

The Chairman extended a cordial welcome to the President of the Assembly and, on behalf of the Deputies, expressed their gratitude that he had come a second time to inform them of the Assembly's deliberations. The President had already informed him that he would not be in a position to repeat this visit following the Assembly's May Session.

The President of the Assembly expressed his pleasure at being able to address the Deputies for a second time. He thought these meetings would reinforce the contacts between the two organs of the Council of Europe. Although he would like to address the Deputies periodically, after Assembly Sessions, it would not always be possible for him to do so.

The President then referred to the following subjects:

1. Third Part of the 27th Ordinary Session

The President considered that the last Part Session had been both important and successful. Of course, the United Nations Secretary General, at short notice, had had to postpone his visit to Strasbourg until May 1976, owing to unforeseen circumstances. But the other guest speakers, in spite of the weather conditions, had been able to address the Assembly as arranged (the Minister for Foreign Affairs of the Federal Republic of Germany, Mr Genscher, the British Minister for Agriculture and Fisheries, Mr Peart, and the French Secretary of State for Transport Mr Cavallé).

Reviewing the debates which had taken place, he singled out the following for special mention.

- Rights of the sick and dying

This subject of evident importance and topicality had aroused widespread interest. The debate was, in his opinion, of a high level and he paid tribute to the Assembly Committee on Social and Health Questions for having the courage to deal with this matter, reactions to which had, in certain cases, been highly emotional.

- Northern Ireland

The President said that he was struck by the tolerance shown on all sides during the debate. The situation in Northern Ireland was a tragic one but he thought that there was general agreement that the responsibility lay with only a few people who were preventing a settlement.

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- Spain

Sixteen guests had been invited from Spain for the debate on this subject, namely, representatives of the Cortès, the Platform of Democratic Convergence, the Democratic Junta, the Republican Exiles and the Carlist Group. They had watched the debate from the gallery and participated in the Press Conference which had followed. At that Press Conference the question had been asked under what conditions Spain could be accepted as a member of the Council of Europe. The reply given was that the rules which had been laid down for the admission of new members - namely the respect of human rights and the organisation of free and democratic elections - must first be fully complied with; he thought the Spanish representatives fully understood the position.

Replying to questions asked, the President said that invitations had been issued along the same lines as those for the hearing which had been organised in Paris in December 1975 by the Committee on European Non-Member Countries.

Dealing with the credibility of declarations by Mr Carrillo, the leader of the Spanish Communist Party, concerning the attitude of the communist party with regard to a pluralistic democratic system, Mr Czernetz thought that his position, along with that of other Communist Party leaders in Europe, was somewhat ambiguous. Further clarification about his likely intentions would have to await the outcome of the 25th Congress of the Soviet Communist Party in Moscow.

- Cyprus

The President said that the Greek and the Turkish parliamentarians had had an opportunity of making their views known and he was pleased that such an open discussion had been possible.

- Middle East

Speeches had been made by members of the Assembly in support of the Arab and Israeli cause; Israeli observers had also taken the floor. It was interesting to reflect that this sort of discussion was unthinkable in other international parliamentary fora.

- Organisation

The President referred to the relatively small attendance on the last day of the Session. It had not been as bad as in some of the previous Sessions. Ensuring the presence of parliamentarians for the whole Session still presented a problem which had yet to be solved. As far as press coverage was concerned he was satisfied by the fact that there had been a marked increase in stories and articles printed. Also more time had been devoted to the Session by radio and television.

2. Joint Committee

The President expressed his gratitude that the Deputies had agreed to have the March Joint Committee meeting in Paris. There had been a real danger that if the meeting had taken place in Strasbourg few Parliamentarians would have been able to attend.

Referring to the possibility of devoting a whole day to the meeting, he said that it would be preferable not to try such an experiment at least on this occasion. Meetings of the Bureau and the Standing Committee were scheduled immediately before the Joint Committee meeting on 25 March and it would be impossible to start those meetings earlier. He would be in favour of the meeting starting at 9.30a.m.. Sufficient time should be available to cover the items on the agenda, especially as the next meeting of the Joint Committee, which he proposed should take place on Tuesday 29 June 1976, would provide an opportunity of further discussion of any outstanding points. As for the agenda, it would be necessary to settle with the Chairman of the Deputies beforehand what the current political item should be in the light of the latest developments.

The Representative of Switzerland said that political topics should be left for the Colloquy with the Ministers whereas the Deputies should discuss matters of a more technical nature. Accordingly, he would give priority to items 2, 3 and 4 on the proposed agenda.

The Representative of France said that Portugal would be discussed from a political and practical point of view. The Deputies would be able to give additional information concerning the Council of Europe co-operation programme which was under way.

In reply to a question from the Representative of Greece, the President said that the normal procedure would be followed concerning the possibility of the admission of Portugal to the Council of Europe, in accordance with the Statutory texts.

3. Tindemans Report and Relations with the EEC

The President said that Resolution 607 containing a declaration on the Council of Europe and closer unity among European democracies had been adopted at the meeting of the Standing Committee in November 1975, on the basis of a report prepared by the Political Affairs Committee whose rapporteur had been Mr Leynen. It was intended that this Resolution would be taken into account by Mr Tindemans in the preparation of his report. A sub-committee of the Political Affairs Committee was now in the process of studying the Tindemans Report and the Assembly would debate the matter again in due course. He said that what had struck him in the Report was that there was no reference to the Council of Europe as such or to the European Convention on Human Rights or the European Court of Human Rights. This omission, in his opinion, raised the general question of relations between the Council of Europe and the EEC. In addition, a number of events had happened recently which were in his view symptomatic of a lack of understanding by the European Communities for the Council of Europe. The Ministers of Education of the Nine had drawn up a programme of action which was to a great extent similar to work undertaken by the CCC. A question had been

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asked in the European Parliament implying that the Commission should not have supplied information to the Council of Europe in connection with the preparation of the Assembly's report on the Channel Tunnel. The European Parliament had arranged the next Joint Meeting on a date which was particularly difficult for members of the Parliamentary Assembly. In fact, he had the impression that the European Parliament was not over keen on these meetings, considering them to be of doubtful usefulness. These examples indicated to him that the Community States were tending to disregard, in certain fields, work undertaken by the Council of Europe. And yet in his discussions with Foreign Ministers of EEC member States, he had been assured of the importance of the Council of Europe and of its role as a link between the Nine and the so-called Non-Nine. The whole question of relations with the EEC would have to be examined carefully and, following further discussions on the Tindemans Report, it might be appropriate for an exchange of views to take place on this matter with the Ministers at the next Colloquy.

The Representative of Austria referred to the reply the Foreign Minister of the Federal Republic of Germany had given to Mr Vedovato on the Tindemans Report when he said that the Committee of Ministers must consider it and would be very glad if the eighteen member States could arrive at a common view (cf. SG/D(76)3). He recognised that the EEC member States were masters of their own schedule for the examination of the Report and, in particular, that the European Council would discuss it at its meeting at the beginning of April 1976. In view of the implications the Tindemans Report might have on the work of the Council of Europe this should, however, not preclude the possibility of a discussion in the Council of Europe so that the EEC member States could be informed of the view of the non-Nine before any final positions were adopted.

The Chairman said that, in his reply to Mr Vedovato, Mr Genscher had made no reference to the timetable of discussion of the Report. In his opinion, it was necessary to have the views of member States of the EEC before the Committee of Ministers started an examination of it. The Assembly should also take a stand as soon as possible on the Report but he considered the time not yet ripe for representatives of Government to engage in any discussions on the subject.

The Representatives of Switzerland and Sweden supported the view expressed by their Austrian colleague. The Representative of Norway said that it was necessary from the beginning to have a clear view of what one was going to discuss. It was not the Tindemans Report as such one should discuss but the implications which the recommendations of that Report might have for the future role of the Council of Europe.

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The Representative of Luxembourg said that the European Council should have the first opportunity of examining the Tindemans Report at the beginning of April, although the report itself was of course of interest to all eighteen member States of the Council of Europe.

The Representative of France, referring to the remarks by President Czernetz on culture and education, said that there was scope for action both by the EEC and by the Council of Europe in this field. What was important was achieving co-ordination, and complementarity and the avoidance of overlapping and duplication. Close co-operation was essential in operational activities and also during the course of the formulation of new projects.

The Representative of Belgium expressed appreciation for the important statements made by President Czernetz and thanked him for the interest he had shown in the Tindemans Report. He thought that the Assembly's final opinion would not be formulated until after the Political Committee had completed its examination of the document in question; furthermore, it was before the European Council in April that the Report would be officially discussed.

The Secretary General hoped that the tangible elements referred to by the Representative of Austria could be discussed with the President of the Commission of the European Communities at the 58th Session of the Committee of Ministers. Further discussion of relations with the EEC could perhaps take place at a meeting of the Joint Committee in the autumn.

In reply to a question from the Representative of Italy, the President said that the direct elections to the European Parliament would certainly have an effect on the Parliamentary Assembly. However, there were a number of unknown factors including the parliamentarians' double mandate and the question of legislative power which had to be decided on. It was too early to draw any conclusions, but he did not wish the question of direct elections to involve any sort of competition between the two bodies.

4. Future events

The President said that the Assembly would organise a Conference on the Future of the Performing Arts in Athens from 1 - 3 March 1976.

From 21 - 23 April 1976 the Conference on the Development of Democratic Institutions would be held in Strasbourg. This would be a major event for the Council of Europe and he welcomed the suggestion that Permanent Representatives should follow the proceedings as closely as possible.

At the first part of the 28th Session, 3 - 7 May, the United Nations Secretary General, Mr Waldheim, would address the Assembly, on 4 May. On 5 May Mr Kreisky would speak and Mr Ortoli would also address the Parliamentary Assembly.

In July a further Conference of Presidents (Speakers) of European Parliamentary Assemblies would be held in Bonn, to which it had now been agreed that the Parliaments of the "non-Nine" would be invited on a basis of full equality.

The President informed the Deputies that the autumn Part Session of the Assembly originally envisaged for the 22nd to 29th September had been brought forward to 15th to 22nd September.

The Chairman, for his part, pointed out that the Deputies had agreed to hold their 260th meeting from 13th to 22nd September, as it was not possible for them to hold it earlier because many of them had booked their holidays previously.

The President said he would check whether the date for the Part Session of the Assembly could not be left as it had been envisaged originally in the period from 22nd to 29th September.

5. New Building

The President hoped that the joint ceremony inaugurating the new building could be held in the course of January 1977. He said that no arrangements would be made without the closest contact with the Secretary General and the Chairman of the Ministers' Deputies.

6. Air communications with Strasbourg

The President referred to the question by Mr Amrehn on the improvement on air communications between Bonn and Strasbourg or Frankfurt and Strasbourg (Question No.15, SG/D(76)3), and his letter to the Chairman of the Ministers' Deputies (CM(76)50). He said that the whole question of communications with Strasbourg was considered to be extremely important by members of the Assembly. It would be even more so when the new building came into operation since it was hoped that more committee meetings of the Assembly would be held in Strasbourg. He hoped that appropriate contacts with the authorities concerned would give rise to specific proposals for improvements in communications, notably East-West connections, which should be implemented in the near future.

The Representative of France said that the north/south connections in Strasbourg had been considerably improved. Any improvement in East/West connections also depended on the co-operation of other member States of the Council of Europe.

The Chairman said that appropriate consultations had been taking place and would continue to take place at a high level. Commercial considerations of the air companies concerned were involved.

In conclusion the Chairman expressed his thanks and the thanks of the Committee for the information given by the President. He thought their exchange of views had been most fruitful and looked forward to the next discussion, when this would be convenient to the President.

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- c. Parliamentary questions for oral answer by the Chairman of the Committee of Ministers - (SG/D(76) 3, CM(76)50)

Decisions

The Deputies

- i. agreed to bear in mind the reply given by the Minister for Foreign Affairs of the Federal Republic of Germany to question No.1 by Mr. Vedovato on the Tindemans Report (page 2 of SG/D(76)3) and the supplementary intervention by Mr. Mabon to his question No.4 on the CSCE (pp. 5-7 of SG/D(76)3) in the course of the discussion on the preparation of the 58th Session of the Committee of Ministers.
- ii. agreed to bear in mind the reply given to question No. 3 by Mr. Aubert on international terrorism (pp. 3 and 4 of SG/D(76)3) when examining the item on this subject scheduled for their 255th meeting in March 1976;
- iii. agreed to discuss the reply to question No.9 on the conservation of the architectural heritage by Lord Duncan-Sandys (page 12 of SG/D(76)3) in connection with the item "Committee on Monuments and Sites - Report of the ad hoc meeting, Paris, 12 December 1975" at their 256th meeting in April 1976;
- iv. agreed to examine the terms of a reply to the letter from the President of the Assembly to the Chairman of the Ministers' Deputies (CM(76)50) concerning air communications between Bonn and Strasbourg or Frankfurt and Strasbourg as soon as new information was available.

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Item IV

IV. PREPARATION OF THE JOINT COMMITTEE - (Concl.(76)253/II,  
CM(76)20)

This item was discussed in conjunction with item III(b) (see above).

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Item V

V. PORTUGAL - Continuation of the co-operation programme -  
(Concl.(75)253/XXX(1), CM(75)290, CM(76)30)

The Deputy Secretary General informed the Committee that the Portuguese Ambassador in Paris would be coming to Strasbourg on Monday 16 February to deposit Portugal's instrument of accession to the European Cultural Convention. The number of signatories would thus be raised to 22, including 4 states which were not members of the Council of Europe.

A meeting in connection with the programme of assistance to Portugal had taken place at Strasbourg on 4 and 5 February 1976 between Portuguese representatives and experts of the Committee for General and Technical Education. This meeting, which had proved an extremely profitable one, had enabled Portugal's needs to be defined, particularly as regards technical and vocational training. Details of arrangements and of the cost of the aid to be provided in this sector by the special fund set up by the Ministers' Deputies for Portugal would be submitted to the Committee of Ministers as soon as they had been finalised.

The Chairman recalled that at their 252nd meeting, in connection with the adoption of the 1976 budget, the Deputies had granted a sum of 1,000,000FF for the programme of co-operation with Portugal (Special Fund). He further recalled that 760,000FF of that amount had been frozen, pending the approval by the Committee of Ministers of projects drawn up by agreement between the Portuguese authorities and the Secretariat. At the request of the Representative of Italy, the Director of Press and Information Services reported on the implementation of the project in this field approved by the Deputies at their 249th meeting (Concl. (75)249/XXXIII(b)). It had been possible, as a result of the visit in January 1976 of the Portuguese Secretary of State for Social Communication, to make arrangements for 8 journalists and newspaper directors to attend courses on the administration and general organisation of the press.

There were at present 8 journalists and directors following such courses in Belgium, France, the United Kingdom and Italy.

The Head of External Relations Division recalled that several other kinds of assistance, which had not had financial implications, had also been given, such as the Legal Directorate's provision of an opinion on the Portuguese Press Law, and the provision also of the texts of laws of various member States governing the press, radio, TV, theatre etc.

Referring to paragraphs 7 and 8 of document CM(76)30, which contained new proposals for activities in Press and Information, the Representative of the Netherlands said that his authorities were in favour of sending experts to Portugal to examine and analyse the present situation of the media, and they hoped that, given the high rate of illiteracy in Portugal, the experts concerned would take the opportunity to encourage the Portuguese authorities to exploit the educative role of the media and assist them in preparing educational programmes for radio and television.

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The Director of Press and Information Services drew attention to paragraph 5 of document CM(76)30 concerning assistance to Portugal on the organisation and management of radio and television services, and said that he would welcome advice from Governments on experts who might form the advisory team to advise the Portuguese in this matter.

The Representative of the United Kingdom requested that a document should be prepared indicating the extent to which the programme already approved had been carried out and giving details of its financing.

### Decisions

#### The Deputies

- i. approved the projects for co-operation with Portugal in the field of Press and Information as laid out in CM(76)30, Sections B and C, at a total estimated cost of 297,000FF;
- ii. noted that following the decision under (i) above, a sum of 463,000FF remained blocked under Sub-head 135 of the 1976 general budget, pending the approval by the Committee of Ministers of further projects to be agreed between the Secretariat and the Portuguese authorities;
- iii. agreed to place the item "Co-operation with Portugal" on the agenda of their 255th meeting, under "Other Business", in order to hear a Secretariat statement on recent developments in connection with the programme of co-operation.

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Item VI

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VI. AGENDA OF THE XXXIst SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY - Application of Resolution (54)16- (Concl.(75)253/XXXg, CM(76)33 and 41)

The Chairman said that the purpose of the discussion was to ascertain whether member States were interested in holding an exchange of views on subjects appearing on the agenda of the United Nations General Assembly. In the affirmative, it would have to be decided at the 255th meeting, in March, which agenda items should be discussed. It would only be a matter of holding an exchange of views, though it would, of course, be gratifying if the discussion resulted in a consensus. There was no question of subjecting member States' views to any harmonisation.

It should be noted that Resolution(54)16 referred only to discussions by Council of Europe member States' delegations to the United Nations General Assembly or other international organisations. There was no mention of exchanges of views within the Committee of Ministers of the Council of Europe. However, a preparatory discussion within the Committee of Ministers might prove useful; afterwards, the relevant delegations to the United Nations could be informed of the results.

The Representative of France recalled the statement made by Mr Destremau at the 57th Session of the Committee of Ministers regarding a suggestion by the Secretary General concerning the holding of consultations by the Deputies on matters to be dealt with in the United Nations. In Mr Destremau's view, the Deputies were undoubtedly empowered to consider on a case-by-case basis whether such consultations should be held and who should be responsible for organising them, although they could not be given instructions to hold any before they had properly studied the question.

Consequently discussion in abstract terms should be avoided and a case-by-case study made only of such items on the United Nations General Assembly's agenda as were of particular concern to the Council of Europe. The number of such items should be restricted to two or three at most.

The Representative of the United Kingdom, after expressing appreciation of the Secretariat's thorough study, agreed with the French delegation that the Deputies ought not to be too ambitious either in the scope of the items chosen for discussion or in the extent of the harmonisation they tried to achieve. They should also concentrate on what was of direct interest to the Council of Europe.

The Representative of Turkey, raising the question of the application of Resolution(54)16, recalled that the text had been invoked quite recently for purely political, not technical, reasons. It was essential to approach the matter lucidly, as it was obviously a complex one. It would be impossible to go through all the items on the United Nations General Assembly's agenda; attention should be confined to those which were liable to be raised in the Committee of Ministers by this or that national delegation.

The Secretary General fully agreed with the views expressed by the French and United Kingdom delegations. The very purpose of Secretariat paper CM(76)41 was simply to give forthwith, in the interests of efficiency, a preliminary idea of the likely contents of the agenda for the United Nations General Assembly's XXXIst Session. Obviously it lay with the Committee of Ministers to select whichever items were of particular interest to the Council of Europe. In any event, the Committee might concentrate its thinking on two or three items at the most.

The Representative of the Netherlands stressed that the Committee of Ministers should not be too ambitious in this matter and should accordingly make a careful choice of subjects on which the Council of Europe had already shown that it was an authority, notably in the field of Human Rights. In any case, if there was to be consultation, it ought not to culminate in a vote but simply in the recognition of a consensus, if one could be found. The Committee of Ministers should make it possible to identify principles shared by the member States in regard to certain of the items on the agenda for the United Nations General Assembly and to agree on the general attitude Governments would take in discussing these subjects in the United Nations.

The Representative of Italy said that his Government agreed with the proposal to revive Resolution(54)16. He shared the French delegation's insistence on the need to ascertain whether, in regard to a given item, there was a possibility of co-ordinating the attitudes of member States. There was accordingly no reason to go through the United Nations agenda systematically.

The Representative of the Federal Republic of Germany thanked the Secretary General for having elaborated document CM(76)41 which would serve as a valuable basis for the discussion to come. He pointed out that the previous year the German delegation had already suggested the discussion of individual items on the UN agenda which were of common interest to the member States of the Council of Europe. He thought it would be useful if the Committee of Ministers were to endeavour to give effect to Resolution(54)16 on the lines indicated by the Secretariat in CM(76)41.

The Representative of Norway said that her Government would like to see the Committee of Ministers examine the agenda for the United Nations General Assembly, with special reference to items of direct interest to the Council of Europe, such as human rights and perhaps environmental questions. One should approach the matter in a practical and pragmatic way with a view to holding an exchange of views on items of particular interest to the Council of Europe.

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The Representative of Ireland said that he shared his French colleague's opinion.

The Representative of Denmark pointed out that the discussion concerning the implementation of Resolution(54)16 was in fact concerned with the more general question of increasing the political role of the Committee of Ministers of the Council of Europe. He thought accordingly that it was important to be selective with regard to the items on the agenda for the United Nations General Assembly that warranted discussion in the Committee of Ministers.

The Representative of Austria said that in his view it was more a matter of exchanging views rather than of engaging in a formal consultation. Referring to document CM(76)41 he observed that there was no need to confine the discussion of items on the United Nations agenda to purely technical subjects, since political subjects too could sometimes be of direct interest to member States of the Council of Europe.

The Secretary General said that the Secretariat documents CM(76)33 and 41 had been intended as a basis for discussion and a means of facilitating the selection of a certain number of items of special interest to the Council of Europe, such as the entry into force of the United Nations Covenant on Civil and Political Rights and the question of territorial asylum. He very much hoped at their next meeting the Deputies would select the items to which the Governments of member States should pay particular attention at the XXXIst Session of the United Nations General Assembly. Indeed, he added, the Secretariat had made a point of informing the Deputies in good time of the items likely to appear on the agenda for the next Session of the General Assembly so that the Committee of Ministers would not be caught unawares by the late publication of the final agenda, as had happened last year.

The Representative of Turkey thought that the list of items drawn of Europe. The number of such items should be restricted to two up by the Secretariat should not be restrictive and that the Deputies should give priority to taking a decision on the principle of giving effect to Resolution(54)16. He also thought that questions of a political nature might well be of interest to certain delegations.

The Representative of Luxembourg supported the views expressed by the Representatives of France and the United Kingdom, stating that his Government thought that exchanges of views about items on the agenda for the United Nations General Assembly would be useful, even if they did not lead to the adoption of a united front. It might accordingly be well to select two or three subjects lending themselves particularly readily to discussion in the Committee of Ministers of the Council of Europe.

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The Chairman summed up the general tenor of the discussion as follows:

- All delegations were interested in exchanging views on specific subjects on the agenda for the General Assembly.
- It was not advisable to be too ambitious. It was preferable to select one or two items only, unless all of the items on the agenda for the UN General Assembly proved to be without specific interest to the Council of Europe.
- The Secretariat document CM(76)41 was thought to be useful as an aid to the selection of one or two items at the Deputies' next meeting. Each delegation was of course free to suggest other General Assembly agenda items not mentioned in the Secretariat document.

Decisions

The Deputies

- i. agreed in principle that it would be useful to consider whether there was a specific Council of Europe interest in having an exchange of views on certain items on the agenda of the United Nations General Assembly;
- ii. agreed to consider at their 255th meeting in March 1976 whether there were such items on the agenda of the XXXIst Session of the United Nations General Assembly.

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Item VII

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VII. RELATIONS BETWEEN THE COUNCIL OF EUROPE AND THE HOLY SEE  
(Concl. (75)252/XXII(e), CM(75)308)

The Deputies exchanged views on the Holy See's request - repeated on the occasion of the Secretary General's talks in Rome - on which he had reported to the Deputies at their 252nd meeting. Delegations responded favourably in principle to the Holy See's wish for a closer relationship and accordingly discussed what arrangements might be made for the Holy See to take part in meetings of Committees of Experts.

In reply to various speakers on the subject of the practical application of a decision authorising the Holy See to take part in meetings of Committees of Experts set up under Article 17 of the Statute on which all the member States of the Council of Europe were entitled to be represented, the Director of Political Affairs, drawing on the Secretariat's previous experience in the matter, explained that, in practice, the procedure would be as follows:

1. The Holy See would receive, in the normal course of events, the Medium-Term Plan and the Work Programme, both of them being public documents.
2. The Holy See would receive, in the normal course of events, the timetable of meetings, also a public document, setting out the date, place and purpose of meetings of Council of Europe bodies.
3. The Holy See would inform the Secretary General of its interest in an activity in the Work Programme or in an objective in the Medium-Term Plan and notify him of its intention to take part in a given meeting of a Committee of Experts set up under Article 17 of the Statute and composed of persons appointed by all the member States of the Council of Europe.
4. The Holy See would then receive from the Secretary General the documentation for the meeting or meetings in which it wished to take part.
5. The Secretary General would keep the Committee of Ministers regularly informed of the use made by the Holy See of the authorisation given it by the Ministers' decision.

In the light of the foregoing explanations, the Deputies discussed the wording of a draft decision and stated their intention of settling the matter finally at their meeting in March, at which they would also decide whether to insert in the preamble, as proposed by the Representative of Switzerland a second paragraph which would refer to Article 5 of the Resolution on the structures, terms of reference and working methods of committees, as well as an amendment proposed by the Representative of Ireland to the wording of the reference to Article 17 Committees.

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The Representative of France said he would find it difficult to agree to a reference in the preamble to Article 5 of the Resolution, as proposed by the Representative of Switzerland, since that Article laid down general procedure for the admission of observers to meetings of committees of experts which the decision concerning the Holy See was precisely designed to waive.

Decision

The Deputies agreed to take a decision on the following draft at their 255th meeting (March 1976):

"The Deputies,

considering that the Holy See's request for access to Council of Europe committees of experts as an observer must be seen in the light of the unique character of the Holy See,

i. agreed that the Holy See shall be entitled to send observers to those of the Council of Europe committees of experts which are set up under Article 17 of the Statute and [are composed of persons designated by the governments of all the member States] [and to which all member States are entitled to appoint persons];

ii. agreed that in view of its specific nature, this decision could not be invoked as a precedent".

## Item VIII

- VIII. DRAFT MEDIUM-TERM PLAN - Second reading -  
(Concl.(75)248/IV(a), CM(75)113 Final, CM(75)170 rev.,  
CM(76)9, 37 and 38 and Assembly Opinion No.74)

The Chairman said that the Committee was called on at the present meeting to agree on a timetable for the remainder of the second reading of the Plan, to review the documentation available and to agree on the procedure at the next meeting. On points of substance only a preliminary exchange of views was possible.

The Deputy Secretary General commented on a written statement which was circulated. That statement is reproduced in Appendix X to these Conclusions.

a. Timetable

The Chairman observed that at the 255th meeting, the second reading of all parts of the Medium-Term Plan could take place, except for the part on culture and education.

b. Education and culture

As to this part, the Chairman proposed that the Deputies ought first to have a general discussion and decision on whether

- the draft of the CCC,
- the original draft of the Secretariat,
- the draft of the Committee on Culture and Education of the Assembly,
- or a new draft, to be elaborated by the Secretariat,

should be taken as a basis for their deliberations and decisions on the detailed version of the cultural part. This general discussion could take place at the 255th meeting in March, whilst the detailed deliberations and decisions on the cultural part should take place in the 256th meeting in April.

The Representative of the United Kingdom questioned the value of the Secretariat undertaking at this stage a regrouping of the CCC's proposals on the basis of the Assembly's opinion, before it was known whether more fundamental amendments would be required.

The Head of Plan and Programme Division said that the Secretariat would prefer to await the outcome of the Committee's examination of the field before submitting any further proposals.

The Representatives of France and the United Kingdom stressed the importance of taking account of planned developments in the European Communities in this area, on which the Secretariat had been instructed to prepare a paper (see Concl(76)253/XXX(f) and CM(76)44).

c. Introduction to the Plan

The Chairman said that the Opinion of the Assembly was particularly concerned with the general questions of the Medium-Term Plan (improvement of the introduction, priorities, and cross-references). As it could be supposed that the detailed proposals of the Assembly on amendments or insertions of specific objectives and sectors would not often find the approval of the Committee, the Committee should try to follow at least these general proposals of the Assembly. He said that he was for instance in favour of the Assembly's proposal to extend the introduction mentioning in it the ideological vocation of the Council of Europe. It should be taken into account that the Medium-Term Plan would not be an internal working-document, but would be published and should attract the attention of the public. He proposed, therefore, that a new draft should be prepared by the Secretariat with the co-operation of the Director of Press and Information Services, in a language to be understood by the mass media.

Several delegations took a stand on the suggestion to prepare for the next meeting a draft introduction to the Plan. They agreed that this draft should be in language aimed at a wider public than the Plan itself was likely to reach, and it should deal with the aim of the Council of Europe and the reasons for the institution of a five-year Plan. They also suggested that the Secretary General might involve staff with special knowledge of information and political questions in the preparation of this draft.

d. Priorities

The Chairman drew the attention of the Deputies to the fact that a first exchange of views on priorities had taken place in the 248th meeting. 8 delegations had taken a stand with the following result:

| <u>Field of Priority</u>                   | <u>Number of delegations in favour of priority</u> |
|--|--|
| 1. Human Rights                            | 2  |
| 2. Social                                  | 4  |
| 3. Culture and Education                   | to be reduced: 2                                   |
| 4. Youth                                   | 3  |
| 5. Health                                  | 4  |
| 6. Protection of Nature                    | 1  |
| 7. Regional Planning and Local Authorities | -  |
| 8. Legal                                   | 2  |

This survey proved that it would be difficult to obtain a clear majority decision on priorities. It would not be possible to have no decisions on priorities, because, according to para.13 of Resolution(74)33, it was the duty of the Committee to specify priorities at the level of the Medium-Term Plan by indicating the relative scale of resources to be allocated to the various fields and sectors.

The Representative of France said that when presenting the draft Plan to the Assembly in his former capacity as Chairman of the Committee, he had stressed that the Assembly's view on priorities would be particularly welcome. Regrettably, the Assembly's Opinion was not very helpful on this subject. In fact, it went no further than to recall the general criteria enumerated in Opinion No.61 (1972) and to stress the need to set up appropriate machinery for the determination of the priorities.

The Representative of the United Kingdom suggested that relative priorities could be arrived at if delegations were ready to give their precise views on what changes should be made to the percentage allocations in CM(75)170 revised and an average were taken. This could, if necessary, be done by a secret ballot.

The Representative of Switzerland said that such a procedure might give unacceptable results; for example, it disregarded the fact that programmes should be of a certain minimum size.

The Representative of France considered that the Committee might settle for a straightforward comparison of the priorities accorded by the various delegations to each field of activity (for example: 'n' delegations accord 1st, 2nd, 3rd, etc. priority to a given field of activity).

The Chairman invited his colleagues to seek precise but flexible instructions from their Governments as to the decision to be taken on priorities according to para.13 of Resolution(74)33.

### Decisions

#### The Deputies

i. adopted the following timetable for the remainder of the second reading of the Medium-Term Plan:

#### 255th meeting

- a. First reading of the proposals of the CCC for the sectors in the field of education and culture, in the light of Opinion No.74
- b. Second reading of the draft Plan apart from the field of education and culture, sector by sector, in the light of the opinions of the Assembly and of the Committees of Experts.

c. Discussion on general points in the light of the first part of Opinion No.74:

- i. Political introduction of the Plan;
- ii. Priorities and budgetary planning;
- iii. Co-ordination and multidisciplinary objectives.

d. Preparation of the Joint Committee.

Joint Committee meeting

Political aspects; (possibly) education and culture

256th meeting

- a. Second reading of the Plan in the field of education and culture
- b. Adoption of the revised text of the Plan to be submitted to the Ministers
- c. Drafting of a Resolution to be submitted to the Ministers

257th meeting

Settlement of any remaining points in the document to be submitted to the Ministers

58th Session of the Committee of Ministers

Adoption of the Resolution on the Plan

258th meeting

- a. Reply (if appropriate) to Opinion No.74 of the Assembly
- b. Reply (if appropriate) to Opinion No.16 of the CCC;
- ii. confirmed that the voting procedure for the second reading would be that followed at the 248th meeting (item IV(a)) for the first reading of the draft Medium-Term Plan, applied as follows:
  - a. a two-thirds majority of votes cast and simple majority of delegations entitled to sit would be required for the adoption of new sectors, rearrangements of sectors, new objectives, the reintroduction of objectives deleted at the first reading, and the deletion of sectors or objectives in the draft Plan;
  - b. a simple majority of delegations entitled to sit would be required for all other amendments to the draft Plan, including new introductions, new sub-objectives, and textual amendments,

c. in the absence of a decision to amend, replace or delete a text in the draft Plan, that text would stand;

iii. asked their Chairman to invite the Chairman and Vice-Chairman of the CCC for a brief discussion on the contribution of the CCC to the draft Medium-Term Plan at the 255th meeting and to propose that this discussion should take place, if possible, at noon, Wednesday 10 March;

iv. noted with satisfaction the offer by the Secretary General to prepare for the next meeting a draft introduction to the Plan in the light of the views expressed by several delegations;

v. instructed the Secretariat to prepare in good time for the next meeting a synoptic index to the basic documents relevant to each point calling for a decision;

vi. agreed to consider at their next meeting, under a separate item of their agenda, the invitation from the Conference of Local and Regional Authorities of Europe for the Committee of Ministers to be represented at the plenary session of the Conference on 26 to 28 April 1976, for the discussion on the Medium-Term Plan (see CM(76)37).

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IX. SITUATION IN CYPRUS - (Concl.(76)253/VIII)

The Chairman recalled that the intercommunal talks were due to be resumed in Vienna on 17 February 1976. He expressed his hopes and those of his colleagues that these talks would be successful. The results would be awaited with the greatest of interest.

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Item X

X. STRUCTURES, TERMS OF REFERENCE AND WORKING METHODS OF COMMITTEES  
Follow-up to Resolution (74)4 - Draft Resolutions - (Concl.(76)253/IX,  
CM(76)32 and Add.)

The Chairman moved that the Deputies commit themselves firmly to considering the application of the Resolution on committee structures, terms of reference and working methods to the CCC.

The Representative of Switzerland, speaking as Chairman of the Deputies' Working Party, pointed out that in any case the implementation of the Resolution called for a separate discussion by the Deputies for each section of the Medium-Term Plan.

The Representative of France thought that the last paragraph on page 12 of CM(76)32 met the Chairman's wishes and suggested that the Deputies adopt it as a decision.

The Representative of Sweden said that his delegation would vote for the adoption of the Resolution only on the understanding that it would not in any way prejudice the participation of the European Cultural Convention States which were not members of the Council of Europe, on an equal footing with member States in the work of the committees to be set up in the field of culture and education.

The Representatives of Switzerland and France thought that the paragraph on page 12 of CM(76)32 already mentioned covered the point raised by the Representative of Sweden.

The Representative of the United Kingdom suggested that his Swedish colleague might consider expressing his objections by explaining his vote.

The Representative of Switzerland in his capacity as Chairman of the Deputies' Working Party, endorsed the Secretariat's proposal that, as well as CM(75)156, documents CM(75)309 and CM(75)242 should also be declassified.

The Chairman asked the Deputies to present any proposals for amendments and any comments concerning the draft Resolutions as they appeared in the Addendum to CM(76)32.

The Deputy Secretary General recalled the reservations he had already had occasion to express concerning the budgetary and procedural implications both for the Secretariat and for the Deputies of the implementation of the various points of the two Resolutions in question (cf. CM(75)242 and 309).

The Chairman of the Working Party pointed out certain small omissions and typing errors which, however, did not affect the substance of the draft Resolutions. He then moved that the Deputies should keep the preamble to the first draft Resolution as drawn up jointly by the Working Party and the Secretariat (CM(75)309) and reproduced on page 1 of CM(76)32, Add.

The Deputies did not adopt the preamble to the first draft Resolution as proposed by the Secretariat on page (1) of CM(76)32 Add.

The Representative of Ireland proposed wording paragraph 4(a) of the draft Resolution on committee structures, terms of reference and working methods (CM(76)32,Add.) as follows:

"'Steering Committee' denotes any committee which is answerable directly to the Committee of Ministers and responsible for a substantial portion of the Medium-Term Plan, and to which the Governments of all the member States are entitled to designate persons, preferably from among national officials of the highest possible rank".

The Deputies agreed to the amendment proposed by the Representative of Ireland.

The Financial Controller proposed replacing the word "Secretariat" in paragraph 7 of the draft Resolution on consultants by "Secretary General".

The Deputies endorsed this proposal.

The Chairman noted that no other delegation had any amendments to propose or comments to make concerning either of the two draft Resolutions contained in CM(76)32,Add.

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Item X

When the text of the decisions below had been distributed in draft form to the Deputies, the Chairman called for an indicative vote on whether a final decision should be taken at the present meeting rather than be deferred to the next. The result was as follows:

For: 11 Against: 0 Abstentions: 4

He then called for an indicative vote on the text of decisions (i) to (vi) as they appear below. The result was as follows:

For: 14 Against: 0 Abstentions: 1

Finally, the Chairman asked whether there were any objections to the foregoing indicative votes being converted into final votes. He observed that there were none, and that the necessary two-thirds majority had been attained regardless of the two votes cast ad referendum in the second vote (see below, after Decisions).

In an explanation of vote, the Representative of Sweden repeated, mutatis mutandis, his statement recorded above.

### Decisions

#### The Deputies

- i. adopted Resolution (76) 3 on committee structures, terms of reference and working methods, with its Appendices 1 and 2, as it appears in Appendix III to these Conclusions;
- ii. adopted Resolution (76) 4 on consultants as it appears in Appendix IV to these Conclusions;
- iii. agreed that in their opinion the application of the first resolution will depend upon subsequent decisions of the Committee of Ministers with regard to the appointment of steering committees, or in other words with regard to the transformation of some existing committees into steering committees. In the case of the CCC it will be necessary at the appropriate time to discuss the extent to which Resolution(76) 3 could apply;
- iv. decided to declassify documents CM(75)156 and 309, and expressed no objection to the Secretary General declassifying document CM(75)242 if he so wishes;

v. instructed the Secretariat to prepare, working on its own responsibility and in association with the Chairman of the Working Party, an explanatory memorandum on Resolution (76) 3;

vi. asked the Deputies' Working Party, assisted by the Secretariat, to submit to them, as soon as the Medium-Term Plan is approved, proposals concerning implementation of point 3 of paragraph 217 of CM(75)156.(1)

The Representative of the Federal Republic of Germany agreed to the above decisions, and the Representative of Italy abstained, ad referendum.

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(1) "The Working Party proposed that the Committee of Ministers (at Deputy level) ... appoint steering committees as soon as possible and define their sectoral terms of reference".

XI. COMMITTEE OF EXPERTS ON HUMAN RIGHTS - Report of the 44th meeting (Rome, 10-14 November 1975) - (CM(76)12)

The Representative of Italy expressed the appreciation of his authorities for the contribution of the Secretariat to the organisation of the 4th International Colloquy on the European Convention on Human Rights which was held just before the 44th meeting of the Committee of Experts on Human Rights from 5-8 November 1975.

The Representative of Austria, referring to the draft rules concerning the application of Article 54 of the European Convention on Human Rights (Appendix I to CM(76)12), said that in the opinion of his Government the obligations arising from Rule 2(a) should be interpreted as applicable only to the operative part of the judgment since no obligation could exist for a State from the reasonings of the judgment. A State could not be asked therefore to supply information on measures which are not based on the operative part of the judgment itself.

The Representative of France said that his authorities considered it premature to take a decision at this stage on the functions it had been proposed to assign to Sub-committee No. 1 of the Committee of Experts on Human Rights. It would seem more normal to await the meeting, at the beginning of March, of the Committee of Experts which would determine the Sub-committee's terms of reference.

Furthermore, his delegation had expressed reservations on this objective when the draft Medium-term Plan was being examined.

Referring to Rule 3, the Representative of France said that the words "until it has satisfied itself" should be replaced by "until it has received the assurance that".

The Head of the Directorate of Human Rights said that the draft rules had been studied very carefully by the Committee of Experts on Human Rights. The latter had chosen these words because the intention was for the onus to be placed on the Committee of Ministers to satisfy itself that the State concerned had awarded just satisfaction and not for the State to give the assurance to the Committee of Ministers that it (the State) had awarded just satisfaction. He added that the draft rules were the result of a compromise in the Committee of Experts and it was important not to upset the balance.

The Representative of Ireland said that in the opinion of his authorities the wording of Article 54 of the European Convention on Human Rights means that the Committee of Ministers can supervise effective enforcement of a judgment of the European Court of Human Rights.

He wished to make a statement of interpretation of the phrase "take note" in the draft rules (Rule 3). In his Government's view the phrase signified that the information supplied should be examined and that additional information could be requested and comments made thereon within the Committee of Ministers.

He asked that his statement of interpretation be contained in the Conclusions. It was agreed at Rome in November that this could be done (page 9 of CM(76)12).

He said, moreover, that the 2nd line of the 4th paragraph on page 10 of the Report of the Committee of Experts (CM(76)12) should read "in certain exceptional cases" instead of "in certain cases".

The Head of the Directorate of Human Rights agreed with the latter point.

The Representatives of Ireland and the United Kingdom said that they had certain reservations as to the Colloquy on "Education in Human Rights and the campaign against racial prejudice in primary and secondary schools" included under item 10 of the Report of the Committee of Experts.

The Head of the Directorate of Human Rights recalled that the Deputies were requested to grant the auspices of the Council of Europe to this Colloquy which would be organised by NGOs having consultative status with the Council of Europe and interested in human rights and to grant a subvention of 11,000FF for this Colloquy. The Committee of Experts on Human Rights would be giving consideration at a later stage to the possibility of making use of the findings of the Colloquy for the purpose of putting Objective 3.1 of the Medium-Term Plan into effect. At their 252nd meeting (item XVI) the Deputies had agreed to defer the final decision on the activity of the annual Programme of intergovernmental activities entitled "Contribution for the establishment of an education programme in the field of Human Rights" (Activity 3.10.1). If the Deputies could accept the suggestion of the Committee of Experts on Human Rights under item 10 of its Report, then this Activity, which was already included on a provisional basis in the annual Programme of intergovernmental activities for 1976, could be confirmed.

### Decisions

The Deputies

i. approved the following attributions to be given to Sub-Committee I of the Committee of Experts on Human Rights:

- study of the advisability of an appeal to the Court against the Commission's decisions on the admissibility of applications and of giving the individual the right to appear before the Court when a case has been referred to it,

- study of the desirability of empowering the Court to give preliminary rulings at the Commission's request;

ii. noted that the following question should be examined by the Committee of Experts on Human Rights: study of the desirability of empowering the Court to give preliminary rulings at the request of a national Court;

iii. adopted the draft rules concerning the application of Article 54 of the European Convention on Human Rights as given in App. I of CM(76)12;

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iv. instructed the Committee of Experts on Human Rights to examine the conclusions of the Fourth International Colloquy about the European Convention on Human Rights (Rome, 5-8 November 1975) and submit any concrete proposals arising therefrom with a view to possible action by the Council of Europe (item 8 of CM(76)12 and App.II);

v. accepted with thanks the invitation of the Austrian Government to organise the Council of Europe Colloquy on "The access by members of the public to information entrusted to or held by public authorities" at Graz (Austria) (item 9 of CM(76)12);

vi. granted the auspices of the Council of Europe to the International Colloquy on "Education in human rights and the campaign against racial prejudice in primary and secondary schools" to be held at Strasbourg by NGOs possessing consultative status with the Council of Europe and having an interest in human rights. The form this will take will be that of technical and financial support, namely:

- provision of a meeting room for the Colloquy, with interpretation (including interpreters) in both official languages of the Council of Europe, the cost to be borne by the latter, for a period of four days in the second half of 1976,

- payment of a lump sum to cover the travel and subsistence expenses of four lecturers and the cost of the working papers to be produced for the Colloquy by the NGOs (item 10 of CM(76)12);

vii. decided to release the 11,000FF provided for in Sub-head 30 of the 1976 budget for material and financial assistance for the International Colloquy referred to in (vi) above;

viii. took note of the report CM(76)12 as a whole.

XII EUROPEAN COMMISSION ON HUMAN RIGHTS - Organisational problems  
(Concl.(76)253/XXX(b), CM/75)110 (para. 9.7), 118 and Add. and  
271)

Referring to paragraph (ii) of the draft decision under consideration by the Deputies (see Concl(76)253/XXX(b)), the Deputy Secretary General proposed deletion of the words "in consultation with the Commission", as the administrative matters involved were entirely the responsibility of the Secretary General and it would therefore be procedurally improper to involve the Commission in them in a formal way. Replying to points raised in this respect, the Deputy Secretary General and the Head of the Directorate of Human Rights said that the Secretary General could not start to take the action proposed until the Committee of Experts on Human Rights had completed its study of, and formulated its recommendations on, the two Swedish proposals, but when that stage was reached, he would inevitably be compelled to examine their administrative, financial and practical aspects. Equally inevitably and naturally, in doing so, he would need to consult and take advice from all relevant sources, including not only the Commission but also the Committee of Experts on Human Rights, the Budget Committee, etc., and indeed the Committee of Ministers itself. Draft decision (ii) therefore appeared to be unnecessary.

Decision

The Deputies, without formulating recommendations with regard to the suggestions concerned, asked the Committee of Experts on Human Rights to study in consultation with the European Commission of Human Rights, the legal and political questions raised by the suggestion that the Commission should be allowed to divide into two Chambers, and to study, also in consultation with the European Commission of Human Rights, the proposal that the functions of President and Vice-President of the Commission should be turned into permanent posts.

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XIII. LEGAL STATUS OF ALIENS - Recommendation 769 -  
(Concl(75)249/III(a))

The Chairman invited his colleagues to exchange views on Recommendation 769 in the light of the draft reply prepared by the Secretariat (Notes No. 1511).

The Representatives of France, Sweden, Belgium and the Netherlands said they could approve the draft reply.

The Representative of Italy said he would prefer the reply not to be linked directly to the work on the draft European Convention on the Legal Status of Migrant Workers.

The Representative of Switzerland made the following statement:

"It should be pointed out that the most important aspects of the legal status of aliens have already been dealt with in the rules embodied in various legal instruments drawn up in the Council of Europe. Where the admission of aliens is concerned, the Council of Europe has adopted three agreements, relating respectively to the movement of persons between member countries, the abolition of visas for refugees and the movement of young people between member countries under cover of a collective passport. Switzerland is a party to all of these. The European Convention on Establishment (physical persons) also embodies rules on a certain number of important points relating to the legal status of aliens. The draft European Convention on the Legal Status of Migrant Workers concentrates on the specific situation of foreign workers; this is true also of the European Social Charter, which likewise contains important rules on this subject. Certain provisions concerning the fundamental rights of aliens are also to be found in the European Convention on Human Rights. Lastly, the European Convention on Social and Medical Assistance deals with the specific problem of the repatriation of aliens. (Switzerland is not a party).

The convention envisaged would need to combine all the existing legal instruments which lay down rules for the admission, residence and establishment of aliens. In our opinion a comprehensive instrument of this kind has no justification, inasmuch as the problems connected with the legal status of aliens are more satisfactorily dealt with for each sector separately, as at present. We accordingly think that the attitude to this recommendation should be a negative one."

He went on to question the conditions in which the Assembly had adopted the Recommendation. He considered that proposals by the Assembly on such wide-ranging subjects should be given in its Opinion on the Medium-Term Plan or the biennial revision thereof.

The Representative of Sweden said that his Government was very sceptical about the proposed elaboration of a European Convention on the Legal Status of Aliens, at least on the lines of the principles in the Appendix to Recommendation 769. The reasons were twofold. Almost every single point in the Appendix raised problems for the Swedish Government and was likely to do the same in most member States. (Some of the principles were less controversial but seemed, on the other hand, to be embodied in existing - or proposed - international instruments, e.g. the 1951 Convention relating to the Status of Refugees and the proposed Convention on Territorial Asylum.) Another reason for its scepticism was the discouraging experience of the prolonged work on the draft European Convention on the Legal Status of Migrant Workers, referred to in para.5 of the Recommendation.

The Representative of France thought that the draft reply probably corresponded to the real situation as it could be seen for the present since, after completing its work on the legal status of migrant workers, the Committee of Ministers had agreed that it would start work on an instrument relating to seasonal workers. He also thought that the draft Convention advocated by the Assembly would present member States with a series of problems that would be difficult to resolve.

The Representative of Austria said that he was not in a position to take a decision at this meeting on the terms of the reply to the Assembly.

The Director of Legal Affairs said that if it were desired to reconsider arrangements for the operation of the Medium-Term Plan it would need to be done in a general context. The draft reply prepared by the Secretariat reflected the fact that the time was not ripe for drawing up general rules on the status of aliens.

#### Decisions

##### The Deputies

- i. instructed the Secretariat to prepare a draft reply to Recommendation 769 in the light of the views expressed at the present meeting;
- ii. agreed to resume discussion of this item at their 256th meeting in April 1976.

XIV. DRAFT RESOLUTION ON THE TREATMENT OF LONG-TERM PRISONERS AND GENERAL REPORT - (Concl(75)250/XII and CM(75)143 and Add. II and III)

The Chairman invited his colleagues to resume their discussion of the draft resolution and of the two amendments presented by Belgium.

With regard to the proposal concerning paragraph 7 of the operative section, the Director of Legal Affairs reminded the meeting that it had been suggested that the Belgian delegation might approve the resolution while reserving its Government's right to apply the rule embodied in paragraph 7 to a limited extent only. The amendment proposed by the Belgian delegation did not in fact seem entirely consistent with the ideas of the EGGP sub-committee that had drafted the resolution.

The Representatives of the Netherlands and the Federal Republic of Germany said that their countries could not agree to the amendment.

The Representative of Belgium said that in view of the statements made, he preferred to withdraw his first amendment rather than make a reservation under Article 10(2)(c) of the Rules of Procedure. He emphasised, however, that he could not do the same in the case of the second Belgian amendment concerning paragraph 12 and that he was very anxious that it should be adopted.

The Representative of the Federal Republic of Germany said that he could agree to the second amendment proposed by the Belgian delegation, concerning paragraph 12 of the operative section of the resolution.

The Representative of Greece said that it was difficult for his authorities to approve either the original text of paragraph 12 or the proposed amendment since in Greek law the review referred to could not be carried out until half the sentence had been served.

The Director of Legal Affairs explained that the elastic time-limit laid down in this clause reflected the diversity of the legal situations that had to be taken into account. In fact, this clause did not prevent a State from prescribing that the review should take place even before the expiry of the shortest time-limit mentioned.

The Representative of Greece spoke of his Government's difficulties in connection with paragraphs 13 and 14 of the resolution, on account of a shortage of the kind of staff referred to. He added that the Greek authorities also had reservations on the subject of paragraphs 7, 8, 9, 10 and 11 of the draft resolution.

#### Decisions

##### The Deputies

- i. adopted Resolution(76)2 on the treatment of long-term prisoners as it appears in Appendix V to these Conclusions;
- ii. authorised publication of the general report on the treatment of long-term prisoners (Add.III to CM(75)143).

The Representative of Greece approved the above decisions ad referendum.

XV. ABOLITION OF VISAS FOR STATELESS PERSONS AND FOR HOLDERS OF ALIENS' PASSPORTS TRAVELLING BETWEEN MEMBER STATES OF THE COUNCIL OF EUROPE - (CM(75)297)

The Representative of Sweden said that his Government proposed that work should be undertaken to investigate the possibility of elaborating a legally binding instrument providing for the abolition of visas between member States of the Council of Europe for stateless persons and holders of aliens' passports. His delegation's memorandum in CM(75)297 contained the relevant facts in connection with the proposal. He merely wished to underline that the Swedish Government considered its proposal to be in line with the efforts to facilitate freer movements over the frontiers which were confirmed in the Final Act of the Conference on Security and Co-operation in Europe and laid down in the chapter "Co-operation in humanitarian and other fields". Finally, he pointed out that the Swedish proposal meant that the possibility of elaborating an instrument should be investigated. On the other hand the Swedish authorities wished that the study thus envisaged should be given a certain priority by the Committee which was going to be responsible for the work to be undertaken, i.e. the Committee of Experts on Identity Documents and Movement of Persons.

The Representative of the Netherlands said that after studying the Swedish proposal his authorities did not find themselves able to agree to it, since in his country in practice aliens' passports were issued to nationals of other countries who by reason of not having fulfilled e.g. military or alimony or other obligations, could not apply for a passport of their national states. In these cases the abolition of visas would not be desirable and might lead to difficulties.

The Representative of Luxembourg said that the Benelux countries were bound by instruments concerning the movement of persons. Like the Netherlands authorities, the Luxembourg authorities thought it unwise to give too many privileges to stateless persons, some of whom had chosen to be so in order to evade certain obligations. The formality of obtaining a visa made it possible to keep a watch on certain categories of persons and could accordingly be useful, for example in combating terrorism.

In reply to a question, the Deputy Director of Legal Affairs said that this question came under the general objective 21.2, sub-objective 21.2.4 in the draft Medium-Term Plan.

The Representative of Belgium said that he could not respond favourably to the proposal since it could have the effect of dissuading stateless persons from applying for the nationality of their state of residence and might cause undesirable migration. He also doubted whether sub-objective 21.2.4 in the draft Medium-Term Plan did, in fact, cover the study proposed by the Swedish Government.

The Representative of Austria said that because of its geographical situation, his country was not interested in such a Convention. Indeed Austria would be unable to do away with certain verification requirements which stemmed precisely from that situation.

The Representative of Sweden said that he understood perfectly the difficulties of certain delegations, but pointed out that the Swedish proposal was simply that the Committee of Experts on Identity Documents and Movement of Persons be instructed "to investigate the possibility of drawing up in the Council of Europe a binding instrument providing for the abolition of visas for stateless persons and the holders of aliens' passports".

The Representatives of France, Denmark, the Federal Republic of Germany, the United Kingdom, Norway and Turkey, said that they could agree to the Swedish proposal.

A final vote on the Swedish proposal resulted in 11 votes for, 3 against and 1 abstention.

Following a vote at a later stage in the meeting, the discussion on this item was reopened.

The Representative of Luxembourg proposed that the words "binding instrument" in the Swedish proposal should be replaced by "legal instrument". In this way a range of solutions could be examined by the Committee of Experts in question.

The Representative of Belgium was opposed even to the study of the possibility of drawing up an instrument on this matter since, in view of the reaction of the Committee, it was most unlikely that an instrument would in due course be adopted by member States. He accordingly proposed that the Deputies' decision be worded as follows:

"The Deputies decided that it was not desirable, for the time being, that the Committee of Experts on Identity Documents and Movement of Persons should be instructed, in accordance with the Swedish Governments' proposal, to investigate the possibility of elaborating a binding instrument, within the Council of Europe framework, providing for the abolition of visas for stateless persons and holders of aliens' passports".

#### Decision

The Deputies agreed to resume discussion of this item at their 256th meeting in April 1976.

XVI. CGJ - Report of the 24th meeting (Strasbourg, 1-5 December 1975 - (CM(76)7)

During the discussion of this item the following particular points were made:

Committee of Experts to study the legal equality of spouses in civil law

The Representatives of France and the United Kingdom pointed out that the Sub-committee that had made this recommendation to the CGJ had met only one week before the 24th meeting of the CGJ, which meant that their experts had not yet had an opportunity to consider the proposal in detail. They therefore suggested that the Deputies defer their decision on this particular point until a later meeting.

The Director of Legal Affairs said that it had proved impossible for technical reasons for the Committee of Experts to hold its first meeting from 17 to 20 May 1976 as originally envisaged by the CGJ. The Deputies consequently had more time in which to reach their decision. He stressed, however, that this proposal would nonetheless need to be implemented fairly soon, and expressed the hope that for this reason the Deputies would reach their final decision at their next meeting.

Draft Resolution on legal aid in civil, commercial and administrative matters

The Director of Legal Affairs said, in reply to questions put to him by the Representative of the Netherlands, that if adopted, the Resolution could in no way and in no circumstances be interpreted in itself as requiring the Government of a member State to grant legal aid for proceedings which took place in a territory other than its own.

The Representatives of the Federal Republic of Germany and Ireland pointed out that the text under examination did not distinguish in a manner satisfactory to their Governments between foreigners regularly resident in their country and those who had immigrated illegally. For this reason they wished to mark their abstentions in a formal vote.

The result of the vote was: For 11, against 0, abstentions 3.

Meeting of Judges of Highest Courts in member States

The Representative of the United Kingdom said that he would not object to this proposal if it met with general support. However, he felt that the meeting should not follow too closely upon that, in November 1976, of Judges of the Highest Courts in member States of the European Communities. Furthermore, it would need to be carefully prepared and the items on its agenda must have relevance to the work of the judges. No additional cost should be involved for member States, whether directly or indirectly through their contributions to the Council of Europe budget.

The Director of Legal Affairs shared this view.

Symposium of Judges : invitations to observers

The Director of Legal Affairs recalled that at the meeting of the CGJ the representatives of the Commission of the European Communities and the Hague Conference on Private International Law had asked to be invited to nominate observers to attend the symposium, and no objection had been raised at the time. However, it had since been pointed out that the symposium was concerned exclusively with the judicial work of the Judges in applying Council of Europe Resolutions, and there were reservations about turning it into an interstate affair with observers present, indeed the draft regulations for the Symposium did not cover the possibility of observers attending. On the other hand, the results of the Symposium would be fed back into the Council of Europe Work Programme, and therefore discussed within a framework that included the observers concerned.

The Representatives of Norway and Sweden also had hesitations about the advisability and desirability of inviting observers to the Symposium, for reasons similar to those given by the Director of Legal Affairs.

The Chairman put to the vote the proposal that observers be invited to the Symposium, with the following result:

For 1, against 5, abstentions 9.

Protection of privacy, including data protection: setting-up of a Committee of Experts

The Director of Legal Affairs confirmed what was stated in the CGJ report under consideration to the effect that to avoid any possibility of duplication of effort the proposed Committee of Experts would not meet before the second part of 1976 and not be convened before the CGJ or its Bureau had decided that it was advisable to do so in view of the work of the OECD, in the light of a Secretariat report on the progress and direction of the work undertaken by the OECD which will be submitted for the 25th meeting of the CGJ. He added that the proposed Committee of Experts would be the successor to the Committee of Experts whose work had led to the adoption by the Committee of Ministers of Resolutions(73)22 and (74)29 on the protection of the privacy of individuals vis-à-vis electronic data banks respectively in the private sector and in the public sector.

Decisions

The Deputies

i. authorised the following documents to be made available to the interested public:

a. the draft European Convention on the recognition and enforcement of decisions relating to the custody of children, set out in App.I to EXP/Rep.Leg.(75)8;

- b. the draft European Convention relating to an international tribunal on matters of custody of children, which is contained in the same Appendix to the document cited in (i)(a) above;
- ii. agreed to examine, at their 255th meeting in March 1976, the advisability of setting up a committee of experts composed of one expert per member State with instructions to study the legal equality of spouses in civil law, and of authorising Finland, Spain, and the Holy See, which are represented on the CCJ by observers, to send observers to that committee of experts (see item 6A on page 11 of CM(76)7);
- iii. adopted Resolution (76) 5 concerning legal aid in civil, commercial and administrative matters, as it appears in Appendix VI to these Conclusions;
- iv. authorised publication of the explanatory memorandum on Resolution (76) 5 (page 49 et seq., App.III to CM(76)7);
- v. authorised the meeting of a Sub-Committee of the CCJ, composed of two Delegates per member State, with the task of examining the Governments' observations on the draft European Convention on products liability with regard to personal injury and death;
- vi. authorised the convening in 1977 of a meeting of judges of the Highest Courts in member States to hold an exchange of views on questions of common interest, particularly concerning the place of foreign and European law (excluding European Community law) in national jurisprudence and ways and means of ensuring uniform interpretation of international texts. Each member State will be invited to designate two judges to attend the meeting at the expense of the Council of Europe;  
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- vii. authorised the convening in 1977, under the same arrangements as for previous colloquies, of the 7th Colloquy on European Law on a subject which will be chosen by the CCJ at its 25th meeting;
- viii. approved the draft regulations for the Symposium of Judges to be held at the Ecole nationale de la magistrature at Bordeaux in November 1976;
- ix. agreed that observers should not be invited to attend the Symposium mentioned under (viii) above;
- x. authorised the setting up of a Committee of Experts composed of two experts per member State with instructions:

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a. to examine and identify particular problems relating to the protection of privacy vis-à-vis data processing abroad and trans-frontier data processing; to carry out a study on data bank regulations, particularly with regard to medical data banks, and on codes of conduct for computer professionals;

b. to submit a report on the results of these studies to enable the CCJ to decide what further action should be taken in this respect;

xi. agreed to examine the CCJ's opinion on the draft Medium-Term Plan for 1976-1980, which is set out in App.II of CM(76)7, during the second reading of the draft Plan at their 255th meeting in March 1976;

xii. took note of the adjournment of the examination of the substance of the draft Resolution and model agreement on co-operation in the control of air pollution in frontier regions (see item 6B on page 13 of CM(76)7);

xiii. took note of the CCJ's report as a whole (CM(76)7).

The Representatives of Austria, France and Luxembourg approved decision (iii) above ad referendum.

The Representative of Italy approved decisions (i) to (xiii) above ad referendum.

- XVII. ECCP - Draft Resolution on alternative penal measures to imprisonment other than suspended sentence, probation and similar measures, and draft explanatory report -  
(Concl.(76)253/XIII, CM(76)2)

The Representative of the United Kingdom, supported by the Representative of the Netherlands, said that his authorities attached priority to this Resolution and considered that it should be examined as a matter of urgency so that it could be included in the files of the European Ministers of Justice for their next Conference in June 1976.

The Representatives of Italy, Sweden, the United Kingdom and Denmark said they could adopt the draft Resolution as it appeared in CM(76)2.

The Representatives of the Netherlands and the United Kingdom said that they could also authorise publication of the draft explanatory report accompanying the draft Resolution.

The Representative of Belgium wondered if the title of the draft Resolution fully reflected its contents.

Other delegations said that they did not have instructions since CM(76)2 had only been circulated two weeks before the beginning of the meeting. Accordingly they could not take a stand on the text of the draft Resolution.

The Director of Legal Affairs said he would deal with the point raised by the Representative of Belgium together with any other matters connected with the draft Resolution when the Deputies next discussed this item.

#### Decision

The Deputies agreed to continue their discussion of this item at their 255th meeting in March 1976.

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XVIII. PROTECTION OF INTERNATIONAL WATERCOURSES AGAINST POLLUTION - Statement by the Director of Legal Affairs -  
(Concl. (75) 249/IX, CM (74) 58 and Add. I and II,  
CM (75) 130, 131 and 132)

In reply to the Representative of France, the Deputy Director of Legal Affairs confirmed that this item had been included on the agenda of the present meeting only to give the Director of Legal Affairs an opportunity to make a statement on the negotiations taking place between certain member states concerning the draft Convention. However, he could report only at the March meeting.

Decision

The Deputies asked the Secretariat to inform them in writing on the results of the soundings undertaken by the Director of Legal Affairs in connection with the draft Convention.

XIX. EUROPEAN CONVENTIONS AND AGREEMENTS - Intended reservation by the Turkish Government - (Concl.(76)253/XXX(a), CM(75)311, CM(76)31 and 34)

Introducing this item, the Chairman proposed to hold a "tour de table", concentrating on the legal aspects of the deposit and avoiding, if possible, political considerations which might lead to further dissidence between the three member States concerned. He referred to the opinion already expressed by the Directorate of Legal Affairs in CM(76)31 and to the views of the Turkish delegation as set out in CM(76)34.

The Director of Legal Affairs stated that he had nothing to add to the views put forward in CM(75)311 and CM(76)31.

The Representative of Turkey said that it was not his wish to provoke a debate. It had not been his intention for the note which he had addressed to the Chairman to be distributed as an official document but now he felt that he had little to add to this document, which was self-explanatory.

The Representative of France said that his delegation felt that the Secretary General should register the ratification of the Conventions by Turkey, as presented, and should notify the member States. The French delegation considered, in fact, that as a general rule the member States intended, in designating the Secretary General as depository, to entrust him with a technical and mechanical task which should be exercised in a neutral way. He stressed that this decision was taken for technical legal reasons and that it was appropriate, for the time being, to adhere to this aspect, the registration of the reservations by the Secretary General having no effect on their validity.

The Representative of Denmark also considered that the normal practice should be followed in this case, to the effect that the instruments of ratification should be accepted by the Secretary General and the member States duly informed.

The Representative of Austria pointed out that it did not seem to be customary for the depository to examine the content of reservations or declarations made on the occasion of the deposit of instruments of ratification, but felt that the Secretary General had acted legitimately in referring the question to the Committee of Ministers. The Secretary General

could now proceed to register the instruments of ratification. In fact, he was rather doubtful whether the character of the text communicated to the Secretary General could be considered as a legally relevant reservation, since it neither referred to any specific provision of the conventions nor did it concern contractual relations between States. It would therefore have to be regarded as a political declaration rather than as a reservation in the international law sense.

The Representative of the United Kingdom said that in his view also the normal practice should be followed and the Secretary General should be asked to notify Governments of the Turkish texts; individual Governments could then react as they thought of it. He hoped, however, that in drafting the decision of the Committee of Ministers giving appropriate instructions to the Secretary General, some of the points made by the Secretariat could be safeguarded, in particular regarding the position of Cyprus as a Contracting Party to the Conventions in question and the risk of setting a precedent with regard to other Council of Europe Conventions such as the Human Rights Convention. It should in his view be possible to draft the decision in such a way as to safeguard these points.

The Representative of Switzerland felt that it was necessary to separate not only the legal and political aspects of the problem but also to try and separate the legal aspects from practical considerations. His authorities had first examined the purely legal position and, independently of CM(76)31, had arrived at a similar position to that of the Secretariat. In particular, it was felt that if the Secretary General as depositary had doubts regarding an instrument of ratification he should ask for instructions from his superior authority, which was the Committee of Ministers. Perhaps the "misunderstanding" which had occurred arose from the fact that it was not too clear whether the Turkish texts should be characterised as reservations or as declarations and this was perhaps the start of the difficulties. By separating the two ideas a practical solution might be found.

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The Representative of Sweden said that his authorities felt that the Secretary General should have accepted and registered the instruments of ratification and notified the other Governments about the Turkish ratifications and "reservations" in accordance with the provisions of each Convention. So notified, the Governments would have been in a position to react in a way which they deemed appropriate. Further, it could in the opinion of the Swedish Government be questioned whether the Turkish "reservations" were really reservations in the technical sense and not rather declarations by the Government of Turkey in connection with the ratifications. If this view of the problem was accepted, the conclusion would be that the question should not have been referred to the Committee of Ministers, nor would there be any reason for the Committee to discuss the substance of the Turkish "reservations".

The Representative of Norway also felt that what was meant by the Turkish Government was really a declaration rather than a reservation. The Secretary General should register the instruments of ratification.

The Representative of the Netherlands agreed with the remarks of the Representative of France, but pointed out that his authorities were still studying the problem already raised concerning the character of the reservations and were considering whether they were in fact reservations or declarations and what action should be taken in respect of them.

The Representative of Luxembourg thought that the Secretary General should register the Turkish instruments and notify member States.

The Representative of Italy was also in favour of following the habitual practice of registering the instruments and notifying member States. His authorities also had doubts as to whether the reservations were really reservations as such.

The Representative of Ireland agreed with the Representatives of Austria and Switzerland that no fault could be found with the Secretary General for bringing the matter before the Committee of Ministers, but thought that the normal practice should now be followed and that the instruments should be duly registered. His authorities were in favour of an early solution being found since bilateral relations were involved.

The Representative of Greece pointed out that most, if not all, delegations had stressed that the form of the reservations might be thought of as a political declaration rather than a reservation in the strictly legal sense. Before he himself took a decision on the point, however, he would like to know if the Turkish delegation accepted this interpretation of their character. He also pointed out that they had not been formulated according to the normal practice in the instrument itself but in a separate letter and this was another legal aspect with regard to the validity of the reservation. It was necessary to be very careful since any decision would be creating a precedent and the Secretary General had been wise to be careful not to create a precedent himself. This was a multilateral Convention so that all States were responsible and Governments could not simply take an individual position. Now that the Committee of Ministers had been seized of the matter it was necessary for practical as well as legal reasons to take a collective decision. It would facilitate the discussion if the Representative of Turkey could say whether a political declaration or a reservation was in issue.

The Representative of the Federal Republic of Germany thought that the Secretary General should register the instruments as they were and inform the other signatory States so that they could take a position.

The matter should not be discussed at too much length here but should be settled as amicably as possible, without resulting in any change in the Council of Europe's attitude to Cyprus.

The Representative of Belgium agreed with the remarks made by the Representatives of Luxembourg, Ireland and the Federal Republic of Germany.

The Representative of Cyprus noted that the so-called reservation had been repeatedly referred to as a political declaration and this constituted the primary question for his authorities. If this was a reservation in the legal sense, then it was impossible for the reservation to be made since no provision was made for reservations in the Conventions in question. In this case, the Secretary General had acted correctly in informing the Committee of Ministers.

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If it was not a reservation, the Secretary General could accept a political statement from a Government without this having any effect on the deposit of the instrument as such. He had been impressed by the arguments that the so-called reservation was in fact a declaration and noted that a number of delegations had said that the instruments as such should have been accepted, but the question was whether the instruments should have been accepted complete with the so-called reservations. He thought that the point raised by the Swedish Representative was important, that it was necessary to act in accordance with the provisions of each Convention, which meant that if no provision were made for reservations, there could be no reservation.

The Representative of Turkey, in answer to the question put by the Representative of Greece, explained that the reservation made by his Government related to a declaration as to a political fact, which had often been repeated in the past at meetings of the Deputies and which it was clear that his Government had a right to make. In his view, the Secretary General should not now have brought the question before the Committee of Ministers since there was no "difference" within the meaning of Article 77, para 2, of the Vienna Convention on the Law of Treaties. He had already proposed a compromise solution to the problem which had arisen by emphasising that the Turkish position did not aim at the State of Cyprus as such, that it was provisional, and involved non-recognition of the Government on the grounds that it was not representative. The Secretary General should now immediately register the Turkish instruments as from 19 December so that States could communicate their views on the reservations or declarations.

The Representative of Greece said that it seemed that the intention was to make a political declaration. This did not reflect upon the State of Cyprus itself and could not affect the validity of the Conventions as a whole. The Committee of Ministers should specify that the validity of the Conventions would be preserved and that the position between Cyprus and Turkey should be settled between those States themselves. The position was a question of fact which would be the same with or without the existence of the declaration. The matter had been confused since the proper form had not been used for the making of the declaration and the misunderstanding should now be cleared up by an explanatory note from the Turkish Government.

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The Representative of Turkey wished it to be pointed out, however, that the Turkish authorities had chosen to call their statement a reservation and that this had been communicated in due form in an official letter. It was up to individual Governments to interpret the reservation as they wished and if they felt that it was not a reservation in the strict sense they were free to call it something else. From the point of view of the Turkish authorities, the reservation was a declaration of fact but this did not mean that it could not be called a reservation. He also wished to point out, with reference to the remarks of the Representative of Cyprus, a statement by the International Court of Justice in the Reservations to the Genocide Convention case to the effect that "it could certainly not be inferred from the absence of an article providing for reservations in a multi-lateral convention that the Contracting States are prohibited from making certain reservations".

The Chairman summarized the "tour de table" among 16 Representatives (Iceland and Malta absent) as follows:

3 delegations were close to the view of the Secretariat which had questioned the admissibility of the Turkish "reservations" and had asked the Committee to take upon itself the collective responsibility to decide on the Turkish reservations as to their legal or political aspects.

12 delegations shared the view of the French delegation that the Secretary General should register the Turkish instruments including reservations, this being a merely technical operation without prejudice to or effect on their validity, on which to decide and react would be due to each signatory State for itself.

Among this common view of 12, some additional remarks were made:

- a. 8 delegations considered the declarations contained in the Turkish instruments not as reservations, but as political declarations, which should be registered as well.
- b. A few delegations said that in their view the Secretary General had acted correctly in presenting the case to the Committee for opinion.
- c. Others expressed the wish that a formulation should be looked for, which would not only correspond to the views of the majority, but also safeguard the position of Cyprus as a signatory State and avoid creating a precedent which could undermine the Council of Europe's multilateral instruments.

The Chairman expressed the wish to take a decision worded in such a way that it could be approved by the whole Committee including the three countries concerned. A first attempt by the Chairman around suggested formulations agreed to by the Director of Legal Affairs appeared to be too complicated. The Director of Legal Affairs was asked to prepare and to circulate another draft by the end of the week in co-operation with the Representatives of Greece and Turkey in order to give Governments the opportunity to study this draft over the week-end.

This draft of the Director of Legal Affairs, with which, according to a written statement of the Secretariat, the Representatives of Greece and Turkey were not in a position to record their agreement, read as follows:

"The Deputies,

in the light of the foregoing discussion, and referring solely to the procedural aspects of the deposit of the seven instruments of ratification,

instructed the Secretary General to proceed, with effect from 19 December 1975, to the registration of these instruments of ratification as presented by the Permanent Representative of Turkey by letter dated 19 December 1975 and to notify the Governments of member States thereof."

When this draft was circulated among the Representatives, the Chairman said that in his opinion this proposal would accord with views of the Committee as expressed during the "tour de table" only if a phrase were added to clarify that the registration had no legal effects for the so-called Turkish reservations (validity, admissibility, etc.). He proposed, therefore, to have a supplementary phrase after the text of the Director of Legal Affairs: "... it being understood that the registration does not imply any decision on the legal validity of the Turkish reservations" (the French text he proposed "... étant entendu que cet enregistrement n'a aucun effet sur leur validité" was not an exact translation of the English).

Resuming the discussion on 16 February, the Chairman repeated that, according to the summary he had given after the "tour de table", the Committee - with the exception of Greece, Cyprus, Turkey and Switzerland - refused to take a decision on the political and legal aspects of the Turkish declarations presented as reservations. In the opinion of the Committee, which followed the French Representative's statement, the registration was to be regarded as a technical operation which should be executed by the depositary and which would have no legal effects on the admissibility of the registered documents.

The Turkish Representative described as very grave any new decision to postpone discussion of the question of the Turkish reservations and said that the consequences of such a decision would be irreparable.

He recapitulated the discussion of 10 February 1976 which had led the 14 Representatives to consider, in principle, that the Secretary General should register the instruments of ratification and the Turkish "reservations" without delay, and made the following statement:

"After having heard the various interventions at the Deputies' meeting on 10 February 1976 on the question of the reservations made by the Turkish Government concerning the seven Council of Europe agreements, protocols and conventions, I feel that certain clarifications are necessary on the following points in order to dispel any misunderstanding regarding their interpretation:

1. These reservations are made in the form of a notification in writing from a member Government informing the depositary of a provisional attitude adopted.
2. They are concerned exclusively with the suspension of the application of these agreements, protocols and conventions as between Turkey and Cyprus and in no way affect the validity of these agreements, protocols and conventions in respect of the other Contracting Parties.
3. The Governments of the Contracting Parties remain free to communicate to the depositary, in accordance with the bilateral procedure, their opinions on the Turkish 'reservations'.

In the light of these explanations and of the discussion held in our Committee, which led the Deputies to consider - having regard to the role and functions of the depositary - that the Secretary General should make the registration in question with effect from 19 December 1975, I ask you, Mr Chairman, to give the Secretary General instructions - on the Committee's behalf - to register the instruments of ratification of the said agreements, protocols and conventions, and the appended reservations without delay, taking 19 December 1975 as the date of deposit, and to duly inform the other Contracting Parties."

The Representative of Turkey added that he could, if necessary, hand the Chairman a letter containing these explanations.

He explained that this Government had already agreed to the draft decision prepared by the Director of Legal Affairs, but that the new amendment proposed by the Chairman had not been approved by his Government because it was liable to give rise to misinterpretation.

The Representative of Cyprus said that, on instructions, he would like to make the following statement:

"Turkey by its intended reservation has attempted to achieve in another way what it has failed to achieve in other instances.

You all remember the objection that was put forward by the Government of the Republic of Turkey with regard to the recognition and representativity of the Government of the Republic of Cyprus. You will also remember that this objection was unanimously rejected by the Committee of Ministers.

In fact not only the Committee of Ministers of the Council of Europe but all other international bodies, before which Turkey had raised the same objection, had rejected the Turkish position. In this connection I would only like to mention the decision of the Human Rights Commission as to the admissibility of Applications Nos. 6780/74 and 6950/75 by Cyprus against Turkey. By its decision, the Commission rejected the Turkish objection as to the locus standi of the applicant Government. I do not wish to take up the Committee's time by reading extracts from the Commission's decision.

Now, Turkey by its attempt to register these "reservations" is trying, in an indirect way, to achieve some kind of recognition of its position as regards one of the High Contracting Parties to the 7 Conventions in question.

My Government is of the opinion that the Secretary General although he could have informed the Permanent Representative of Turkey at the time when the Instruments of Ratification were put before him, that they were not duly presented because no provision was made in the Conventions in question as to reservations, nevertheless in my Government's view he acted prudently. He brought the matter before the Committee of Ministers which "being made up of Representatives of each of the member States, but acting collectively, performs a number of functions in relation to the treaty instruments it has drawn up. In addition to decisions concerning opening for signature and any invitation to non-member States of the Council of Europe, the Committee of Ministers performs a treaty function with regard to the interpretation or even the subsequent further elaboration of the provisions of several of these instruments".

In the course of the preliminary examination of this problem by this Committee last week it was rightly stated by a number of delegations that these intended "reservations" could only be considered as political declarations. No delegation, and on this point confirmation either by the Chairman or the Secretariat is kindly requested, stated or

argued that these declarations could be considered as legal reservations made in compliance with the provisions of the Conventions in question. In fact not even the Turkish delegation itself stated that they were, legally speaking, reservations. The Turkish delegation clearly stated "these are not reservations, they are declarations or positions" and on another occasion the Turkish delegation said "we call them reservations, you can call them whatever you like".

Now this is the crux of the whole matter. It has to be clearly and definitely ascertained if these declarations are to be considered and treated as legal reservations duly presented.

This is absolutely a must because the instructions to be drafted for the Secretary General will depend on the answer to the above question. This delegation would therefore like to request the President to clarify the situation by putting the question to a vote, in other words to ascertain whether delegations consider these declarations as reservations in the legal sense or whether they consider them as declarations of a political content.

Once this is clarified then this Committee could proceed with the drafting of its instructions to the Secretary General.

In the course of the preliminary examination of this problem it was expressly stated by certain delegates and implied by others that the position of the High Contracting Party involved, namely the position of the Government of the Republic of Cyprus, should be protected. This should not be difficult once we know what Turkey is aiming at.

My Government wishes me to draw this Committee's attention to the fact that the preamble to the instruments contains a specific reference to the aim of the Council of Europe as expressed in Article 3 of its Statute ie "to achieve a greater unity between its members" and in the realisation of which each member has undertaken to "collaborate sincerely and effectively".

One of the means for realisation of the Council's aim is the elaboration of Conventions binding on all member States. It is inconceivable that one member State by the pretext of intended reservations to a number of Conventions presents serious obstacles to the realisation of the Council's aim rather than contributing to "greater unity between its members".

Further, my Government has asked me to remind the Committee that unlike United Nations practice, a European Convention or agreement cannot be opened for signature until it has been expressly established that there is no opposition within the Committee of Ministers.

In conclusion and having regard to the comment made by the Secretary General in (ii) of page 3 of CM (75)311 that "a reservation of this type could have important implications on the general level of treaty relationships between members of the Council of Europe, which are governed by treaties concluded within the framework of the Organisation

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pursuant to Article 15 of its Statute", my Government is confident that the Committee of Ministers being the highest organ of this Council will take upon itself, as it has always done in the past, its responsibilities that derive both by the Statute and by its numerous and valuable Conventions.

In conclusion, I wish to repeat my formal request of ascertaining by way of a vote as to whether the declarations made by Turkey are to be considered and treated as legal reservations or as political declarations. The answer to this question will reduce the problem in its dimension, in a way that will make the Committee's task infinitely easier.

As regards this Committee's instructions this Delegation wishes to submit that it should contain the following points:

1. Instruct the Secretary General to register the Instruments of Ratification in question.
2. The position of this Committee with regard to the nature of these declarations to be ascertained by a vote.
3. The fact that the position of the Government of the Republic of Cyprus is not affected in any way by the Turkish Declarations.
4. That such declarations cannot and do not have any implications on the general level of treaty relationships between members of the Council of Europe and
5. That no precedent is created."

The Representative of Turkey protested against Mr Pilavachi's having distorted his statement concerning the Turkish reservations and stressed that he had said in so many words that for the Turkish Government these were "reservations" and that the other governments were free to consider them as declarations or notifications.

The Representative of Greece, referring to paragraph 9(1)(g) of the Rules of Procedure of the Ministers' Deputies (Article 20(a)(vi) of the Statute), suggested that the decision of the Committee might be taken unanimously, in view of its great importance. The decision would have legal and possibly political implications, and would therefore need a great deal of reflection. There did not, in fact, seem to be any great urgency in the question being discussed, since the conventions and agreements which Turkey wished to ratify were not of such a serious character and some of them had been signed several years ago.

The Representative of Austria felt that it would be preferable to attempt to find a consensus within the Committee before going on to discuss procedural matters.

Agreeing to this approach, the Representative of Switzerland asked the Secretariat whether the text prepared by the Director of Legal Affairs had been prepared in consultation with the Representative of Turkey, because, if so, it seemed that the disagreement between the Secretariat and the Government of Turkey had been resolved, and there would thus be no need to discuss the problem any further. The decision would simply be based on this text.

The Secretary General said that, having submitted the question to the Committee of Ministers, as he had to do, he would be very happy if the Committee could find a compromise solution which would benefit the Council of Europe as a whole. Without a clear decision by the Committee, it would be impossible for the Secretary General to proceed to the registration of the Turkish Instruments of Ratification. There was a proposal by the Director of Legal Affairs before the Committee which could be debated and might form the basis of a suitable compromise.

The Chairman replied that the Secretary General who had just insisted again on the Committee of Ministers taking upon itself its collective responsibility regarding the admissibility of the Turkish reservations, had unfortunately not been present when the "tour de table" was taken five days previously. 12 delegations, following the French line, had taken the view that the deposit was only a technical operation and that neither the Secretary General nor the Committee of Ministers had the power to decide on the validity or admissibility of any reservation. This remained the individual prerogative of each signatory State. The Secretary General's interpretation of the formulation put forward by the Director of Legal Affairs did not correspond to the opinion of the majority. Therefore, it required in the operative part an additional phrase, clarifying that the deposit of the Turkish declarations (presented as reservations) did not have any effect on their validity.

The Director of Legal Affairs pointed out that he had never expressed any view as to the legal validity of the declarations called "reservations" but had given an opinion as to their possible scope. He had stressed the need to preserve the collective character of conventions drawn up within the Council of Europe, especially the Human Rights Convention and the Social Charter and the power of the organs created by these instruments to take a stand on the validity of every reservation concerning them. In preparing the text of a draft decision he had attempted to adhere as closely as possible to the views expressed by the Deputies during the "tour de table". The text was centred around the intervention by the Representative of France, stressing the technical and mechanical nature of the task of the Secretary General as depositary, which explained the reference in the text to the procedural aspects of the deposit of the seven instruments of ratification. At the same time, the scope of the text was restricted to these seven instruments, whose implementation belonged to the context of bilateral relationships. Since, in the course of the "tour de table", some variations had been presented by different delegations, some of which had important legal consequences, the text also referred to the foregoing discussion, which included points such as whether the so-called reservations were really reservations or whether they were in fact political declarations.

Nothing was said in the text as to the validity of the conventions concerned or as to the capacity of a State to be considered as a Party to these conventions, since only the procedural aspects were dealt with. The text therefore provided no basis for any argument going beyond the legal technique of registration or entering into the legal effects of the reservations, the position of Cyprus as a Contracting Party or the position of Cyprus in the Committee of Ministers.

Following a proposal by the Chairman to proceed to a discussion of the proposals for a draft decision, the Representative of Cyprus said he would like to submit a further paragraph to be added to the text prepared by the Legal Director, in the light of the statement which the Legal Director had just made. This paragraph would read: "The above decision will in no way affect the position of the Government of the Republic of Cyprus in the Committee of Ministers of the Council of Europe."

The Chairman proposed to enter then into the substance of the wording of the decisions; according to the regulations the deliberations had to begin with the additional amendments to the original text proposed by the Director of Legal Affairs, that is, at first, with the Chairman's proposal for an additional phrase.

With regard to the proposal of the Chairman to add to the second paragraph: "it being understood that this registration would not prejudice the question of their validity", the Director of Legal Affairs said that he was of the opinion that such an addition was not necessary in view of the express statement that the draft decision would deal only with procedural aspects.

The Representative of France suggested going back to his original text which would involve adding the clause: "it being understood that the registration of reservations by the Secretary General has no effect on their validity."

The Chairman agreed to the French proposal which corresponded to the original text in the French version. This wording was of general application to reservations connected with the ratification of international conventions; it would not be exclusively directed to this case of the Turkish reservations.

The Representative of Turkey said that he interpreted the new form of the French amendment as the statement of a principle and not as specifically concerning the Turkish reservations in question. He suggested adding after the words "their validity" the words "and their non-validity".

He thanked the Chairman of the Committee for his approval of the amendment and regretted its rejection by the French Representative who had said that "registration would not prejudge the non-validity" and that in French one could not, in this phrase, say "their validity or their non-validity".

An indicative vote on the Chairman's amendment, as amended by the Representative of France, showed 12 delegations in favour, 2 against, with 2 abstentions.

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Explaining his vote, the Representative of Turkey said he had abstained because he wanted immediate, unconditional registration, but the wording of the French amendment did not entirely satisfy him; he had nevertheless taken due note of the French Representative's explanations, confirmed by the Chairman, making it clear that it was not a question of the "Turkish reservations" specifically, but the registration of reservations in general and in principle. In view of the turn the discussion had taken, he no longer proposed handing the Chairman the letter containing the explanations he had given at the beginning of the sitting.

Turning next to the proposed amendment by the Representative of Cyprus, to add a further paragraph to the text, the Representative of Turkey said that this had nothing to do with the question under discussion. He was thus opposed to the addition of this paragraph. He added that by making this request Mr Pilavachi was merely expressing doubt as to the legitimacy of his presence in the Committee and was taking advantage of this opportunity of renewing his insurance policy which the Turkish Representative hoped would be a short-term one.

An indicative vote on the Cyprus proposal showed 13 votes in favour, 1 against, with 2 abstentions.

Explaining his vote, the Representative of Italy said that his abstention did not put in doubt his view that Cyprus was validly represented on the Committee of Ministers but he did not think that the amendment would help to find a consensus.

The Representative of Luxembourg said that he had abstained because he felt that the amendment added nothing, but he would of course, be in a position to support the text as a whole.

The Representative of Turkey explained that although he had abstained from voting on the first amendment, he would now vote against that amendment.

The Representative of France proposed a further amendment to the second paragraph of the text, in suggesting that the phrase "instructed the Secretary General to proceed" should be replaced by the phrase "considered that the Secretary General should proceed".

The Director of Legal Affairs said that he would prefer a clear instruction to be given by the Deputies, in order to resolve any doubts arising from their discussions, but he would not object to the French proposal it being clear that even that text contained a clear guideline for the Secretary General. On an indicative vote, 11 delegations voted in favour of this amendment, 1 against, and 3 delegations abstained. The Representative of Turkey did not participate in the vote.

The Representative of Cyprus proposed that following the phrase "considered that the Secretary General should proceed", should be added the phrase "in accordance with normal international practice".

The Representative of Greece questioned whether this would refer to international practice in general or simply to the normal practice of the Council of Europe.

The Representative of Cyprus then withdrew his proposed amendment, which was taken up by the Representative of Ireland.

The Director of Legal Affairs pointed out that no uniform international practice in fact existed and that it would be dangerous for the Council of Europe simply to follow the practice of another organisation such as the United Nations, since this would fail to allow for the particular features of each Organisation. There was no need to say any more in the text than was absolutely necessary, and in any case the text should not open the door to further ambiguities.

After the Representative of Ireland had altered the wording of his proposed amendment to read "in accordance with general international practice", an indicative vote showed 6 in favour of the proposal, 1 against, with 8 abstentions. The Representative of Turkey did not participate in the vote.

The Representative of Cyprus explained that he had abstained from voting since he had not been able to submit the proposed amendment to his Government, though he had a lot of personal sympathy for the proposal.

With regard to the proposal by the Representative of Greece to vote to decide the matter unanimously, the Director of Legal Affairs pointed out that much more important questions had arisen in the past (concerning, for example, the suspension of a member) but the procedure for taking such a unanimous vote had never yet been used.

The Representative of Greece remarked that a decision concerning the expulsion of a member was important in a negative sense, whereas here the question was important in a positive sense and involved the functioning of the whole system of conventions drawn up within the Council of Europe. It was in the interests of the Council of Europe to reflect well on the serious decision which would have to be taken.

The Representative of Turkey was opposed to the Greek proposal that this problem be considered -owing to its importance- as requiring the unanimity rule: in making his proposal, the Greek Representative was indirectly asking for the right to veto in the Committee of Deputies so as to be able to block any decision. He asked the Committee not to vote for the proposal.

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An indicative vote on this proposal by the Representative of Greece, showed 2 votes in favour, 8 against, with 6 abstentions.

The Representative of Cyprus proposed postponement of the discussions until the next meeting. The Chairman opposed this suggestion; the Turkish Government had presented their documents to the Secretary General on the 19th of December 1975, so that they could now justifiably claim that this matter should be brought to a final conclusion.

The proposal for postponement was rejected on an indicative basis with two votes in favour, two against and 12 abstentions.

A further proposal, by the Representative of Italy, to postpone discussion for two days, was shown on an indicative vote to have 3 delegations in favour, 6 against with 7 abstentions.

The Representative of Turkey expressed satisfaction at the Committee's voting against the proposal for postponement.

In a final vote, the Greek proposal to submit the text of a final decision to a unanimous vote was rejected, with 2 votes in favour, 5 against and 9 abstentions.

A final vote was then taken on the text of the draft decision prepared by the Director of Legal Affairs as amended by the Chairman's amendment, the amendment proposed by the Representative of Cyprus and the amendment proposed by the Representative of France. The text, as amended, was adopted with 13 votes in favour, 1 against, and 2 abstentions.

The Representative of Turkey explained that he had voted against the decision primarily on account of the last amendment made to the text on the representation of Cyprus on the Committee, which had always been rejected by the Turkish Government.

On the other hand, the first part of the decision to the effect that the Deputies considered that the Secretary General should make the registration, was acceptable without reservation.

His misgivings regarding the French amendment, despite the explanations given by its author, were due to the fact that its wording was liable to create ambiguity.

The Representative of Cyprus explained that he had abstained from voting since he had been instructed to submit any text to his Government before voting upon it, but this should not necessarily be interpreted as meaning that he was opposed to the text. He would inform the Committee later of his Government's reaction.

The Representative of Greece said that he attributed particular importance to this question and felt that insufficient discussion had taken place, particularly with regard to the powers of the Committee of Ministers in this case. Although the eventual result might have been similar, he would have preferred to have adopted the text of a decision after fuller discussion. He had therefore abstained from voting.

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The Representative of Turkey -replying to a question put by Mr Pilavachi- said he had voted against the decision but not against registration and that there was no question of his withdrawing the Instruments of ratification; quite the contrary, he intended going to the Secretary General as soon as possible to obtain the deposit certificates.

Decision

The Deputies,

in the light of the foregoing discussion, and referring solely to the procedural aspects of the deposit of the seven instruments of ratification,

considered that the Secretary General should proceed, with effect from 19 December 1975 to the registration of these instruments of ratification as presented by the Permanent Representative of Turkey by letter dated 19 December 1975 and notify the Governments of member States thereof, it being understood that the registration of reservations by the Secretary General has no effect on their validity.

The above decision will in no way affect the position of the Government of the Republic of Cyprus in the Committee of Ministers of the Council of Europe.

XX EUROPEAN PUBLIC HEALTH COMMITTEE - 16th Session (Strasbourg, 18-21 November 1975) - Report - (CM(75)293 and CM(76)18)

The Representative of Switzerland although being in favour of the organisation of European courses on histocompatibility as from 1977, felt that there was an unfortunate tendency to award too many training fellowships to blood transfusion specialists. In his opinion, while this was an important area, it should not be given special priority.

He remarked also that the consolidated report on hospital questions by a Consultant might be prepared by a National Health Administration with a large and specialised staff, which would also represent a saving for the Council of Europe.

Decisions

## The Deputies

- i. approved the EPHC's proposal to replace the units of measurement of haematology by the International System of Units (SI) in the Protocols to European Agreements Nos. 26, 39 and 84 (para. 25 of CM(75)293), which would be amended by means of a Secretary General's certificate of rectification after obtaining the agreement of the non-member States among the Parties thereto;
- ii. were in favour of the organisation of European courses on histocompatibility every two years as from 1977 instead of European medium-level blood transfusion courses, which cannot be arranged for some years to come (para. 31 of CM(75)293);
- iii. approved the Committee's request for an increase from 72 to 100FF in the allowance payable to participants in European blood transfusion courses and histocompatibility courses (paras. 30 and 50 and Appendix III to CM(75)293), it being however understood that such an increase will not take effect until 1977;
- iv. authorised the Committee to engage a consultant in 1976 under Objective 14.1 of the Medium-Term Plan, to prepare a consolidated

report on hospital questions(1), the relevant expenditure being covered by adjusting the Programme within the limits of the 1976 public health appropriations (para.69 of CM(75)293 and CM(76)18);

v. decided to include the following two items in the Programme of activities for 1977 (para.76 of CM(75)293):

- modern methods of management applied in health institutions
- the patient's role as a partner in the health care delivery system;

vi. adopted the following Resolutions:

- Resolution(76)6 on prevention of accidents in childhood
- Resolution(76)7 on different types of hospitals and hospital groups
- Resolution(76)8 on the development of treatment outside hospitals

as they appear respectively in Appendices VII, VIII and IX to these Conclusions;

vii. took note, subject to decisions (i) to (vi) above, of the whole of the report of the EPHC's 16th session and, in particular, of the following items:

- the EPHC's decision (para.32 of CM(75)293) to hold the 7th meeting of the Working Party on the Exchange of Sera for the Determination of Histocompatibility in 1976 either at the Institut für Immunhämatologie und Transfusionskunde der Goethe-Universität in Frankfurt, as stated in the Programme approved for 1976, or at the Institut für Blutgruppen-serologie in Vienna (on the understanding that the cost of this meeting is covered by the 1976 appropriations);

- the decision to hold the 4th meeting of the Working Party on Automated Blood Grouping on 6 to 9 April 1976 at the National Blood Transfusion Service, Sheffield (para.33 of CM(75)293), and not in Bristol, as stated in the Programme approved for 1976 (on the understanding that the cost of this meeting is covered by 1976 appropriations);

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(1) Following a proposal made by the Representative of the Federal Republic of Germany, the consolidated report will include, in addition to the reports on "Different types of hospitals and hospital groups" and "Internal structure of hospitals", the report on "Organisation of specialised medical care and therapy outside hospitals".

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- the Committee's reassertion of the need to hold two sessions per year (para.4 of CM(75)293). The necessary appropriations are included in the 1976 budget;
- with a view to the second reading of the draft Medium-Term Plan 1976-1980, the Committee's opinion on Sectors 14, 15 and 8 (paras.6 to 8 of CM(75)293);
- the Committee's wish for the Committee of Ministers' budgetary policy to be adjusted in favour of public health activities (paras.6 and 44 of CM(75)293);
- the guidelines laid down by the Committee regarding the composition and terms of reference of the Working Party to be responsible in 1976 for item 15.10.1: "Drug dependence: study and exchange of information on problems of drug users and travellers trafficking in Europe and other regions: elaboration of a common approach, in particular with regard to prevention" (para.75 of CM(75)293);
- the statement made by the WHO representative concerning the avoidance of duplication between WHO and the Council of Europe in connection with technical assistance to Portugal (para.10 of CM(75)293).

The Representatives of the Federal Republic of Germany and Luxembourg approved decision (vi) above ad referendum.

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XXI. PARTIAL AGREEMENT IN THE SOCIAL AND PUBLIC HEALTH FIELDS  
Public Health Committee - Report of the 32nd Session (Dijon,  
7-10 October 1975) - (PA/SP(75)33)

Decision

The Representatives, on the Committee of Ministers, of the seven States Parties to the Partial Agreement and of Austria, Denmark, Ireland and Switzerland took note of the report of the 32nd session of the Public Health Committee (PA) as a whole and of the timetable of meetings as set out on page 27 of the report PA/SP(75)33.

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XXII. EUROPEAN YOUTH CENTRE

- a. Annual report by the Governing Board on the Centre's activities (1974) - (CM(75)295)

Decisions

The Deputies

- i. took note of the report by the Governing Board of the European Youth Centre for the year 1974 (CM(75)295);
- ii. instructed the Secretary General to request the Governing Board of the European Youth Centre to arrange its meetings in such a way as to allow its annual report for the preceding year to be submitted to the Committee of Ministers no later than in June.

b. Membership of the Governing Board and of the Advisory Committee  
(CM(76)4 and Corr.)

At the Chairman's request, the Director of Legal Affairs explained the practice adopted hitherto for appointing governmental representatives to the Governing Board. Each group endeavoured to agree on the nomination or nominations to be submitted to the Committee, which then gave its approval. If for special reasons it was not possible to proceed in this way, the best solution would be to take a secret ballot, as had already been done in the past.

He reminded the Deputies that when the Governing Board had been initially set up the Committee had recognised the special position of France by agreeing that it would be advisable for the host country to be represented permanently on the Board. In any case, France was not involved in the current partial election, since the French representative's term of office did not end until 31 December 1977.

The Representative of Turkey said he had been instructed to nominate his country for a seat. However, he thought it not impossible that his Government might reconsider the question, since the number of seats allocated to group (a) was fewer than the number of countries in the group. Its condition would be that the Committee agree definitely to the principle of rotation for appointments to the Governing Board of the EYC.

The Director of Legal Affairs confirmed that the principle of rotation was inherent in the system prescribed in the Centre's Statute for appointments to the Governing Board. Of course it could happen that a State's term was renewed, which might slow down the rotation. Thus it was, for example, that among the States in group (a) the United Kingdom had not yet had a seat on the Board.

At a later stage in the meeting, the Representative of Turkey said that his delegation had listened carefully to the discussion on this item when the Chairman of the Committee and the Director of Legal Affairs had given the assurance that the principle of rotation under Article IV, 1(a) of the Statute of the European Youth Centre, should be implemented within the groups for election to the Governing Board of the Centre. He had also consulted with the Group (a) States which were standing for election and his delegation had been assured by each Representative of these States that in future they would abide by the principle of rotation.

In view of the foregoing assurances the Turkish Government had decided not to stand for re-election at this stage for membership of the Governing Board of the Centre on the understanding that it expected to have the unanimous support of the Committee at the earliest possible occasion

when it would stand for election for a seat to be available in Group (a). He also pointed out that his declaration did not affect the validity of the Conclusions of the Deputies 201st meeting (item XXIV) as to the position of France on the Governing Board of the Centre.

### Decisions

#### The Deputies

- i. agreed that Greece should be placed in Group (d) of the four groups drawn up, in accordance with Article IV, paragraph 1(a) of the Statute of the European Youth Centre, at their 201st meeting (item XXIV);
- ii. took note of the second statement made by the Representative of Turkey on the question of rotation of States in group (a);
- iii. designated the Federal Republic of Germany, Italy and the United Kingdom (Group (a)) and Belgium (Group (b)) to be represented on the Governing Board of the European Youth Centre for a period of four years running from 1 January 1976;
- iv. approved the list of non-governmental international youth organisations which the Secretary General proposes to invite to meetings of the Advisory Committee of the European Youth Centre in 1976 (CM(76)4).

XXIII. SITUATION OF MEDITERRANEAN FORESTRY - Recommendation691-  
(Concl(75)248/XX, CM(75)306)

The Representative of Italy said that the responsible Italian authorities were taking steps to act on the invitation issued by the participants in the Cagliari Colloquy and were thinking of convening an ad hoc Colloquy in the near future to study the question.

The Representative of France reminded the Deputies that his country's authorities were against any Council of Europe initiative in regard to the Mediterranean forest. They felt that the studies being made by other international organisations, such as FAO and UNESCO, were more appropriate to the nature of the problem, which concerned the Mediterranean countries as a whole. Any duplication of effort should therefore be avoided in the matter. The French authorities did not intend to give any additional financial aid to the International Centre for Advanced Mediterranean Agronomic Studies.

The Director of the Environment and Local Authorities pointed out that the Council of Europe's role in the matter was purely subordinate. If the study was begun by the Italian authorities under the Council's patronage, it could then be pursued further, in greater depth, by the International Centre with the help of international organisations and the financial support of interested Governments. All danger of overlapping would thus be obviated. It should also be noted that the European Committee for the Conservation of Nature and Natural Resources had a Working Party on ecological problems in the Mediterranean area.

Decision

The Deputies adopted the following reply to Recommendation691:

"The Committee of Ministers referred the proposal in para.8(e) of the Recommendation to the participants at the International Colloquy on the specific problems of renewing the plant cover in the Mediterranean area, held in Cagliari from 27 to 31 October 1975.

The Committee has taken note of the fact that following an invitation made by the participants at the Colloquy, the General Directorate for Mountain Economy and Forestry of the Italian Ministry of Agriculture and Forestry is taking the necessary steps to ensure that the basic study and research referred to in para.8(i) and (j) of the Recommendation were realised, at the Italian Government's instigation and under the

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aegis of the Council of Europe. The Committee of Ministers has also noted the suggestion made by participants at the Colloquy that the International Centre for Advanced Mediterranean Agronomic Studies might be asked to carry out the study, on the understanding that the experts and international organisations having responsibility for the specific problems of the Mediterranean area should be associated with it, and that if possible the countries concerned should make a financial contribution.

In the light of the opinions expressed by the participants at the Cagliari Colloquy, the Committee of Ministers is of the opinion that the proposals contained in sub-para.(b), (c), (d), (f), (g) and (h) of para.8 of Recommendation 691 could be forwarded to the Governments of member States; it has reservations, however, about the advisability of carrying out the proposals set out in sub-para.(a) and (k). A number of delegations have reservations concerning the proposals set out in sub-para.(g)".

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XXIV. FIRST CONVENTION OF THE AUTHORITIES OF EUROPEAN PERIPHERAL REGIONS  
(Galway, 14-16 October 1975) - (Concl(75)248/XLIIIm, CM(76)10 and 11)

Decision

The Deputies took note of the report presented by the Irish delegation CM(76)11) on the First Convention of the Authorities of European Peripheral Regions.

XXV. COUNCIL OF EUROPE RESETTLEMENT FUND - Accession of Liechtenstein  
(CM(76)17 and Corr.)

The Director of Economic and Social Affairs took the opportunity to recall the frequent references in the annual Reports of the Governor of the Fund to the desirability of Council of Europe member States that were not yet members of the Fund considering the possibility of becoming so. It had been the practice when the Deputies examined these annual reports for their Chairman, when he was a Representative of a member State of the Fund, to draw attention to those references. The Director expressed the hope that the occasion of this accession of a small non-member State might perhaps inspire the Governments of the States referred to above to study whether they may wish to join the Fund.

Decision

The Representatives on the Committee of Ministers of the member States of the Partial Agreement on the Resettlement Fund(1) agreed to the amount of the contribution of Liechtenstein to the 1976 budget of the Resettlement Fund, which is fixed at 1500.75FF; this amount will be credited to the 1976 budget in accordance with the provisions of Article 16 of the Financial Regulations.

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(1) Belgium, Cyprus, France, the Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, Malta, Switzerland, and Turkey.

XXVI. NEW BUILDING - Gifts  
Concl. (75)250/XXXIII, CM(75)255)

The Representative of France, speaking as one of the representatives of the Committee of Ministers on the informal gifts committee (the other being the Representative of Norway - cf. Concl.(75)250/XXXIII) reported that the gifts committee had held its first meeting on 27 January 1976. In addition to the architect and the representatives of the Committee of Ministers, the meeting had been attended by the representatives of the Assembly, who were Mr. R. Radius (France, Vice-President) and Mr. K. Richter (Federal Republic of Germany, Vice-President) and of the Secretariat (the Secretary General and the Deputy Clerk of the Assembly). The next meeting was due to take place on 22 March.

He said that at the meeting the architect had expressed the hope that the new building would house the greatest possible number of gifts from member States. To overcome certain difficulties that had apparently arisen owing to the fact that the information he had provided on gift possibilities was dispersed in a number of documents that had been issued over a considerable period of time, the architect was preparing for distribution shortly a new composite document bringing together all the elements of information. Furthermore, the architect could be contacted by phone in Paris (720 52 44).

The Representative of Turkey said that he had been trying for some time to contact the architect by phone, but without success. Meanwhile the problems were becoming urgent. He suggested therefore that the contact procedure should be reconsidered.

The Deputy Secretary General said that the architect was at present absent on holiday, but would be back in his office on 23 February. He would be coming to Strasbourg within the next two or three weeks, which would give Permanent Representatives who wished to do so an opportunity to discuss matters with him personally. He added that he understood that the information document referred to by the Representative of France already existed in draft form and was only awaiting the architect's final approval. The Secretariat was taking all appropriate steps to ensure that it would be distributed as soon as possible.

The Representative of Italy said that his Government intended to contribute to the decoration of the new building by presenting a sculpture in metal by a well-known artist.

The Representative of the Federal Republic of Germany said that experts from his country would shortly be visiting the new building, after which his authorities would decide on what sort of work of art to contribute to its decoration.

The Representative of Ireland said that his authorities were considering the useful information contained in CM(75)255.

The Representative of Greece said that while no final decision had yet been taken, his authorities were thinking in terms of offering a copy of a famous statue.

The Representative of Austria announced that his authorities intended to make a contribution, the details of which were under study.

### Decisions

#### The Deputies

- i. agreed that those delegations who wished to discuss the question of gifts with the architect personally should so inform the Secretariat by Wednesday 18 February 1976, in order to enable the Secretariat to arrange meetings with him in Strasbourg in the near future, possibly on 8 March 1976;
- ii. agreed to revert to their consideration of this item at their 256th meeting (April 1976);
- iii. took note of the intention of the architect to distribute shortly a new composite document bringing together all the elements of information he has provided or can add concerning gift possibilities open to member governments.

XXVII. PREPARATION OF FORTHCOMING MEETINGS

In connection with the next meeting (255th) of the Deputies, the Chairman thought that it might be necessary to devote five full days to the second reading of the draft Medium-Term Plan, and consequently to extend the meeting over two full weeks.

The Representative of Luxembourg suggested that, in order not to prolong unduly the duration of the meeting, the Deputies should also meet on Monday of the second week (15th March).

The Representative of Ireland supported the latter suggestion, pointing out that such a long meeting would present great difficulties for non-resident delegations. He wondered also whether it might not be possible to abbreviate the discussion on the draft Medium-Term Plan.

Referring to the item "Situation in Cyprus", the Representative of Turkey recalled that the position of his Government remained unchanged with regard to its inclusion on the agenda.

The Chairman referring to the discussion with the President of the Assembly (see item III (b) (4) in fine) said that there was at present no reason to change the date of the 260th meeting of the Deputies in September (13th to 22nd September). They must wait for the decision of the Assembly. If there were to be any change at all, this could only be a postponement because of Deputies' holiday bookings. The Representative of Austria, supported by the Representative of Belgium, doubted the usefulness as a time-saving factor of the draft agenda for the next meeting being examined at length twice at each meeting.

The Chairman, concurring, proposed that the Deputies discontinue the practice whereby the draft agenda for the next is discussed (under the item "Forthcoming meetings") by the Deputy Representatives before being submitted for approval to the Committee sitting at Ambassadorial level.

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Decisions

The Deputies,

- i. approved the draft agenda of their 255th meeting (opening at 4 p.m. on Monday 8 March 1976 at the level of Deputy Representatives), as it appears in Appendix II to these Conclusions;
- ii. agreed that the continuation of their discussion on the implementation of the Final Act of the Conference on Security and Co-operation in Europe, in which specialist senior officials from national ministries will participate, would take place on the afternoon of 8 April 1976 (256 th meeting).

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XXVIII. OTHER BUSINESS

- a. Report of the Commission of the European Communities -  
(Concl(76)253/XXX(f))

Decision

The Deputies asked the Secretary General to invite the Secretary General of the Commission of the European Communities to present the Report of the Commission for 1975, in the meeting of 8 April 1976, starting at 9.30 a.m. (256th meeting).

- b. Conference on the development of the Democratic Institutions in Europe - (CM(76)27)

Decisions

The Deputies

- i. agreed that the Committee of Ministers should be represented at the Conference on the development of democratic institutions in Europe (Strasbourg, 21-23 April 1976) by their Chairman and Vice-Chairman;
- ii. invited their Chairman to inform the President of the Assembly of decision (i) above.

c. Round Table on European Problems

In response to the Chairman's request for further information on the Association for the Study of European Problems, the Deputy Secretary General said that once a year the association held a round table on a European topic in a major European city. The round tables were attended by about 200 people from various walks of life - politicians, trade-unionists, senior civil servants, journalists, economists, financiers, academics etc.

The discussion papers were usually presented by eminent figures. Past round tables had been attended by, for example, Mr Paul-Henri Spaak, Mr Walter Scheel, Mr Edgar Faure, Mr Alain Poher, Sir Geoffrey de Freitas, Lord George-Brown and Mr Jean Monnet. At the next one the main report was to be presented by Mr Tindemans.

The round tables depended on administrative assistance from the European organisations: the administrative help which the Council of Europe was being asked to provide for the Bonn round table was similar to that supplied by it for all previous ones. It was the practice for the Ministers' Deputies to receive personal invitations to the round tables.

Decision

The Deputies authorised the Secretary General to provide the services of one administrator and two interpreters for the 29th Round Table of the Association for the Study of European Problems, to be held in Bonn on 2-3 April 1976, on the understanding that:

- a. the cost to the 1976 budget would not exceed 6,000 FF and would be charged to Sub-head 22 (Administrative assistance in connection with events of European interest and sundry expenditure);
- b. the Secretariat would inform the Committee of Ministers of the Round Table's outcome.

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- d. 15th European Art Exhibition (Berlin, August to October 1977)

Decision

The Deputies took note of the offer made by the Government of the Federal Republic of Germany in its note verbale dated 23 January 1976(1) to organise the 15th European Art Exhibition in Berlin from 15 August to 15 October 1977, on the theme "International Style - European trends in the 20s".

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(1) See Appendix XI below.

e. Committee on Co-operation in municipal and regional matters  
Consultation of member Governments on the model agreements  
on transfrontier co-operation

The Chairman said that he had proposed that the Deputies discuss this matter at the present meeting in order to obtain clarification from the Secretariat of the procedural aspects of the letter addressed to Permanent Representatives by the Secretary General on 27 January 1976, the first paragraph of which read as follows:

"The Committee on Co-operation in Municipal and Regional Matters has instructed me to consult member Governments about the draft model agreements it has prepared on trans-frontier co-operation".

The Chairman asked whether Committees could instruct the Secretary General to consult Governments on specific subjects. In his opinion, contacts between expert committees, set up by the Committee of Ministers in accordance with Article 17 of the Statute, and Governments could only be made through this Committee.

The Director of Environment and Local Authorities confirmed that there were precedents, particularly in the legal field, for this procedure to be used. The Secretariat had advised the Committee on Co-operation on this basis. He explained that there were also reasons of urgency in this particular case, adding that the letter had been addressed to Permanent Representatives because of the interest that Ministries for Foreign Affairs would have in the model agreements in view of their interstate nature. He recognised, however, that the expression in the letter "has instructed me" was an erroneous and unfortunate choice of words, for which he offered his apologies.

Decisions

The Deputies

i. took note of the fact that, at the request of the Committee on Co-operation in Municipal and Regional Matters, the Secretary General had consulted member governments, by means of a letter addressed to Permanent Representatives on 27 January 1976, about the draft model agreements which that Committee had prepared on transfrontier co-operation;

ii. asked the Secretary General to ensure in future, in conformity with the new regulations which they were about to introduce (cf item X above), that such consultations of governments are conducted via the Committee of Ministers, or, in cases of extreme urgency, that the Committee of Ministers is informed of them simultaneously.

- f. CCC - Procedures to be followed in respect of  
its annual Work Programme - (Concl(76)253/XXX(e))

Decision

The Deputies, without prejudice to any future decisions in connection with their discussion on Structures and terms of reference of Committees of Experts, instructed the Secretariat to submit from 1976 onwards, for their consideration, the draft programme/budget of the CCC for the following year as soon as available, together with the Secretary General's comments on:

- a. the priorities and broad lines of action which it reflects and their compatibility with the Medium-Term Plan; and
- b. the financial implications for future budgets in the light of the Statute of the Cultural Fund.

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- g. Committee on legal data processing in Europe - Invitation to hold a meeting in Rome

Decision

The Deputies authorised the Committee on Legal Data Processing in Europe to meet in Rome from 26 to April 1976.

h. International terrorism

The Director of Legal Affairs informed the Committee briefly of the progress of work in the European Committee on Crime Problems on the prevention of terrorism. A sub-committee composed of experts from all member States, under the Chairmanship of Mrs. Oschinsky (Belgium) had met twice and drawn up a draft Convention which was concerned with certain aspects of the subject bound up with extradition procedure and jurisdiction. The draft had already been communicated to the heads of ECCP delegations in order to secure their comments in time for the next meeting of the ECCP Bureau on 16 March.

The draft would then, in the normal way, have to be submitted to a Plenary Session of the ECCP at the end of May, before being communicated officially to Governments and then placed before the Committee of Ministers.

Considering that the Committee of Ministers had agreed to the principle of giving priority to the problem dealt with in the draft Convention, the Secretariat would like, however, to speed up the procedure as follows:

First, the Permanent Representatives would receive by the end of this week a copy of the draft sent to the heads of ECCP delegations.

Secondly, provided that the initial reaction to the draft raised no major problems, the Secretariat contemplated submitting it to Governments immediately after the meeting of the ECCP Bureau in mid March, so that the Committee of Ministers could begin to consider it at the Deputies 256th meeting (April 1976). However, the Deputies could hold a preliminary exchange of views on certain aspects of the draft Convention at their 255th meeting (March 1976). If this timetable could be adhered to, it would probably be possible to open the Convention for signature on a date to be fixed in June next.

The Representative of Austria said that his Government welcomed the arrangements proposed by the Secretariat and was most anxious, in view of the importance of the subject, that the Committee of Ministers should begin to discuss the draft as soon as possible.

The Representative of Belgium endorsed this and congratulated the sub-committee of experts for having completed the work of drawing up the draft Convention so quickly; he added that his Government hoped very much to see the Convention opened for signature next June.

Decision

The Deputies took note with satisfaction of the arrangements envisaged by the Secretariat so as to make it possible to hold a first exchange of views on the draft Convention on the Suppression of Terrorism, at the 255th meeting of the Deputies (March 1976).

APPENDIX IAGENDA OF THE 254TH MEETING OF THE MINISTERS' DEPUTIES

(Strasbourg, Monday, 9 February 1976, at 4 pm)

- \*1. Adoption of the agenda  
(Notes No. 1501 of 9.2.76)

Political and General Policy Questions

2. Committee of Ministers - Preparation of the 58th Session (Strasbourg, 6 May 1976) - (SG/D(76)2 of 9.2.76, CM(76)26 of 23.1.76 and CM(76)36 of 5.2.76)  
(Notes No. 1502 of 5.2.76)
3. Consultative Assembly - 3rd Part of the 27th Ordinary Session (Strasbourg, 26-30 January 1976)
- a. Texts adopted  
(Notes No. 1503 of 4.3.76)
- b. Statement by the President of the Assembly - (Concl(76)253/II)  
(Notes No. 1524 of 30.1.76)
- c. Parliamentary questions for oral answer by the Chairman of the Committee of Ministers - (SG/D(76)3 of 11.2.76 and CM(76)50 of 13.2.76)  
(Notes No. 1529 of 13.2.76)
4. Preparation of the Joint Committee - (Concl(76)253/II, CM(76)20 of 13.1.76)  
(Notes No. 1504 of 30.1.76)
5. Portugal - Continuation of the co-operation programme - (Concl(75)253/XXX(i), CM(75)290, CM(76)30 of 28.1.76)  
(Notes No. 1505 of 29.1.76)
6. Agenda of the XXXIst Session of the United Nations General Assembly - Application of Resolution(54)16 - (Concl(75)253/XXX(g), CM(76)33 of 10.2.76 and 41 of 17.2.76)  
(Notes No. 1506 of 3.2.76)

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\* It was agreed that the items marked with an asterisk be dealt with in accordance with the procedure agreed under item XL (para. 1 of the decisions) of the agenda of the 243rd meeting and set out in Appendix XI to the Conclusions of that meeting. (NB This procedure concerns only the internal conduct of the Deputies' meeting in Strasbourg).

Appendix I

7. Relations between the Council of Europe and the Holy See - (Concl(75)252/XXII(e) CM(75)308)  
(Notes No. 1500 of 30.1.76)
8. Draft Medium-Term Plan - Second reading - (Concl(75)248/IV(a), CM(75)113 final, CM(75)170 rev. of 4.2.76, CM(76)9 of 6.2.76, CM(76)37 of 5.2.76, 38 of 9.2.76 and Assembly Opinion No. 74)  
(Notes No. 1507 of 4.2.76)
9. Situation in Cyprus - (Concl(76)253/VIII)  
(Notes No. 1508 of 27.1.76)
10. Structures, terms of reference and working methods of committees - Follow-up to Resolution(74)4 - Draft Resolutions - (Concl(76)253/IX, CM(76)32 of 6.2.76 and Add. of 3.2.76)  
(Notes No. 1522 rev. of 9.2.76)

Human Rights

- \*11. Committee of Experts on Human Rights - Report of the 44th meeting (Rome, 10-14 November 1975) - CM(76)12  
(Notes No. 1509 of 3.2.76)
- \*12. European Commission on Human Rights - Organisational problems - (Concl(76)253/XXX(b), CM(75)110 (para. 9.7), 118 and Add. and 271)  
(Notes No. 1510 of 30.1.76)

Legal Questions

- \*13. Legal status of aliens - Recommendation 769 - (Concl(75)249/III(a))  
(Notes No. 1511 of 3.2.76)
- \*14. Draft resolution on the treatment of long-term prisoners and general report - (Concl(75)250/XII, CM(75)143 and Add. II and III)  
(Notes No. 1512 of 3.2.76)
- \*15. Abolition of visas for stateless persons and for holders of aliens' passports travelling between member States of the Council of Europe - (CM(75)297)  
(Notes No. 1513 of 4.2.76)
- \*16. CCJ - Report of the 24th meeting (Strasbourg, 1-5 December 1975) - (CM(76)7)  
(Notes No. 1514 of 5.2.76)

- \*17. EGCP - Draft Resolution on alternative penal measures to imprisonment other than suspended sentence, probation and similar measures, and draft explanatory report - (Concl(76)253/XIII, CM(76)2 of 21.1.76)  
(Notes No. 1515 of 3.2.76)
- \*18. Protection of international watercourses against pollution - Statement by the Director of Legal Affairs - (Concl(75)249/IX, CM(74)58 and Add. I and II, CM(75)130, 131 and 132)  
(Notes No. 1335 of 6.8.75)
19. European Conventions and Agreements - Intended reservation by the Turkish Government - (Concl(76)253/XXX(a), CM(75)311, CM(76)31 of 2.2.76 and CM(76)34 of 30.1.76)  
(Notes No. 1527 of 2.2.76)

#### Economic and Social Questions

- \*20. European Public Health Committee - 16th Session (Strasbourg, 18-21 November 1975) - Report - (CM(75)293 and CM(76)18)  
Notes No. 1516 of 29.1.76)
- \*21. Partial Agreement in the Social and Public Health Fields - Public Health Committee - Report of the 32nd Session (Dijon, 7-10 October 1975) - (PA/SP(75)33)  
(Notes No. 1496 of 8.1.76)

#### Youth

22. European Youth Centre
- a. Annual report by the Governing Board on the Centre's activities (1974) - (CM(75)295)  
(Notes No. 1499 of 16.1.76)
- b. Membership of the Governing Board and of the Advisory Committee (CM(76)4 and Corr. of 27.1.76)  
(Notes No. 1517 of 28.1.76)

#### Local Authorities and the Environment

- \*23. Situation of mediterranean forestry - Recommendation 691 - (Concl(75)248/XX, CM(75)306)  
(Notes No. 1498 of 13.1.76)
- \*24. First Convention of the Authorities of European Peripheral Regions (Galway, 14-16 October 1975) - (Concl(75)248/XLIII(m), CM(76)10 and 11 of 14.1.76)  
(Notes No. 1518 of 27.1.76)

Appendix IAdministrative Questions

- \* 25. Council of Europe Resettlement Fund - Accession of Leichtenstein -  
(CM(76)17 of 15.1.76 and Corr. of 29.1.76)  
(Notes No. 1519 of 30.1.76)
  
- 26. New Building - Gifts - (Concl(75)250/XXXIII, CM(75)255)  
(Notes No. 1520 of 30.1.76)
  
- \* 27. Preparation of forthcoming meetings  
(Notes No. 1521 of 6.2.76)
  
- 28. Other Business
  - a. Report of the Commission of the European Communities - (Concl(76)253/XXX(f))  
(Notes No. 1523 of 27.1.76)
  
  - b. Conference on the development of the Democratic Institutions in Europe - (CM(76)27 of 23.1.76)  
(Notes No. 1525 of 29.1.76)
  
  - c. Round Table on European Problems  
(Notes No. 1526 of 28.1.76)
  
  - d. 15th European Art Exhibition (Berlin, August to October 1977)  
(Notes No. 1528 of 6.2.76)
  
  - e. Committee on co-operation in municipal and regional matters - Consultation of member governments on the model agreements on transfrontier co-operation  
(Notes No. 1530 of 5.2.76)
  
  - f. CCC - Procedure to be followed in respect of its annual Work Programme - (Concl(76)253/XXX(e))  
(Notes No. 1531 of 6.2.76)
  
  - g. Committee on legal data processing in Europe - Invitation to hold a meeting in Rome  
(Notes No. 1532 of 9.2.76)
  
  - h. International terrorism

APPENDIX IIDRAFT AGENDA OF THE 255th MEETING  
OF THE MINISTERS' DEPUTIES

(Strasbourg, Monday 8 March 1976 at 4 p.m.)

- \* 1. Adoption of the agenda  
(Notes No. 1542 of ...)

Political and General Policy Questions

2. Committee of Ministers - Preparation of the 58th Session  
(Concl.(76)254/II, SG/D(76)2, CM(76)26 and 36)  
(Notes No.1543 of 2.3.76)
3. Preparation of the Joint Committee - (Concl.(76)254/IV, CM(76)20)  
(Notes No.1566 of 1.3.76)
4. Preparation of the discussion with the Secretary General of  
the Commission of the European Communities - (Concl.(76)253/XXX(f))  
(Notes No.1544 of 27.2.76)
5. Relations between the Council of Europe and the Holy See -  
(Concl.(76)254/VII, CM(75)308)  
(Notes No.1545 of 27.2.76)
6. Draft Medium-Term Plan - Second reading - (for reference documents  
see Annex to this draft agenda)  
(Notes No.1541 of 27.2.76)
7. Situation in Cyprus - (Concl.(76)254/III(a) and IX)  
(Notes No.1547 of 26.2.76)
8. Situation of the Jewish community in the Soviet Union - Rec.778  
(Concl.(76)254/III(a))  
(Notes No.1548 of 3.3.76)
9. Situation in Spain - Resolution 614 - (Concl.(76)254/III(a))  
(Notes No.1549 of 1.3.76)
10. Situation in the Middle East - Resolution 616 - (Concl.(76)254/III(a))  
(Notes No.1550 of 27.2.76)

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\* It was agreed that the items marked with an asterisk be dealt with in accordance with the procedure agreed under item XL (para 1 of the decisions) of the agenda of the 243rd meeting and set out in Appendix XI to the Conclusions of that meeting. (N.B. This procedure concerns only the internal conduct of the Deputies' meeting in Strasbourg).

NB In accordance with the deadline rules for the despatch of reference documents and Notes on the agenda, the time-limits are 9 February and 27 February respectively.

11. Agenda of the XXXIst Session of the United Nations General Assembly - (Concl.(76)254/VI, CM(76)33 and 41)  
(Notes No.1567 of 1.3.76)

Human Rights

12. Yossef Ezra Levy against the Federal Republic of Germany - Decision to be taken in accordance with Article 32 of the European Convention on Human Rights on the report of the European Commission of Human Rights - (Letter HD/C33 of 22 October 1975)  
(Notes No.1539 of 13.2.76)
- \* 13. Application of Article 57 of the European Convention on Human Rights - (Concl.(75)248/III(c), CM(76)28)  
(Notes No.1538 of 18.2.76)
14. Judgement of the European Court of Human Rights on the Golder case - Application of Article 54 of the European Convention on Human Rights - (Concl.(75)246/XI, Letter HD/C11 of 5 March 1975)  
(Notes No.1551 of 26.2.76)

Legal Questions

15. International terrorism - (Concl.(76)254/XXVIII(h))  
(Notes No.1554 of 1.3.76)
- \* 16. CCJ - Setting up of a Committee of Experts on equality of spouses in civil law - (Concl.(76)254/XVI, CM(76)7)  
(Notes No.1552 of 27.2.76)
- \* 17. ECCP - Draft Resolution on alternative penal measures to imprisonment other than suspended sentence, probation and similar measures, and draft explanatory report - (Concl.(76)254/XVII, CM(76)2)  
(Notes No.1553 of 1.3.76)

Economic and Social Questions

18. Special Representative's Advisory Committee
- \* a. Draft Resolution on equal treatment for national and migrant workers with regard to vocational guidance, training and retraining - (Concl.(76)253/XV(a), CM(76)47 of 10.2.76)  
(Notes No. 1536 of 16.2.76)
- \* b. School career and health record for children attending school abroad - (Concl.(75)250/XX, CM(75)167 and Add., CM(76)1)  
(Notes No.1497 of 13.1.76)
- \* c. Draft Resolution on the model work contract for migrant workers, and draft explanatory memorandum - (Concl.(76)253/XV(b), CM(75)126 and CM(76)43)  
(Notes No.1535 of 16.2.76)

Education and Cultural and Scientific Affairs

19. Ad hoc Conference of European Ministers with responsibility for Cultural Affairs (Oslo, 15-17 June 1976) - (Concl.(75)249/XXXIII(a), CM(76)51 of 17.2.76)  
(Notes No.1556 of 27.2.76)

Local Authorities and the Environment

- \* 20. Integrated conservation of the cultural heritage of monuments and sites - Request for technical assistance by the Federal Republic of Germany - (CM(76)29)  
(Notes No.1560 of 1.3.76)
- \* 21. European Committee for the conservation of nature and natural resources - Report of the 14th Session (Strasbourg, 3-7 November 1975) - (CM(76)21 and CM(76)40)  
(Notes No.1534 of 16.2.76)
22. Conference of Local and Regional Authorities of Europe
- a. Letter dated 26.1.76 from the President of the Conference to the Secretary General - (CM(76)37)  
(Notes No.1561 of 27.2.76)
- b. Interpretation of Article 4(c) of the Charter - Report of the Deputies' Working Party - (Concl.(76)253/XXII, CM(76)54 of 2.3.76)  
(Notes No.1557 of ...)

Youth

23. Extension of the European Youth Centre - (Concl.(76)253/XXI, CM(75)51, 116, 215, 223, 258 and CM(75)PV4)  
(Notes No.1562 of 26.2.76)
24. European Youth Centre - Compensation for loss of earnings for young industrial and agricultural workers - (Concl.(75)252/XVI, CM(76)49 of 12.2.76)  
(Notes No.1563 of 25.2.76)

Administrative Questions

25. New Council of Europe building - Additional financing necessitated by rising costs - (Concl(76)253/XXV and App.VIII, CM(75)54, 110 (para.11), 240 and 270)  
(Notes No.1564 of 27.2.76)
26. Preparation of forthcoming meetings  
(Notes No.1565 of ...)
27. Other business
- a. Portugal - (Concl.(76)254/V)  
(Notes No.1559 of 27.2.76)

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Annex to Appendix II  
REFERENCE DOCUMENTS FOR ITEM VI

"DRAFT MEDIUM-TERM PLAN - SECOND READING (CONT'D)  
(Concl(76)254/VIII)" for the 255th meeting

Working papers

- Draft Medium-Term Plan - (CM(75)113final)
- Compendium of Committee of Experts opinions on CM(75)113final - (CM(76)9)
- "Education and culture" field, CCC's contribution - (CM(76)38 and CM(76)44 of 10.3.76)
- Assembly Opinion No. 74

Other reference material

a. Committees of Experts' opinions (1):

- |                         |                              |
|-------------------------|------------------------------|
| 1. CM(76)12             | 2. CM(76)19 and Exp/SS(75)11 |
| 3. CM(75)277 and 279    | 4. Concl.Exp/Dem CD(76)2     |
| 5. Concl.RS/35(76)prov. | 6. CEJ/CD(75)13              |
| 7. CM(75)293            | 8. CM(76)21                  |
| 9. CMAT/HF(75)54        | 10. CM(76)22                 |
| 11. CM(76)24            | 12. CM(76)7                  |
| 13. DPC/CEPC(75)26rev.  |                              |

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- (1) The number preceding each reference corresponds to the serial number given to committees of experts in the list of committees on pages 2 and 3 of doc. CM(76)9.

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CM/De1/Concl(76)254  
Appendix II

b. Other Assembly documents:

Doc. 3709, Addendum I and II to Doc. 3709, Amendments 1 to 8 to  
Doc. 3709, AS(27)CR20

c. Working papers concerning discussion of priorities:

CM(75)170rev.

APPENDIX III  
(item X)

RESOLUTION(76)3

on committee structures, terms of reference  
and working methods

(adopted by the Committee of Ministers on 18 February 1976  
at the 254th meeting of the Ministers' Deputies)

The Committee of Ministers,

Having regard to Resolution(74)4 on the future role of the Council of Europe;

Having regard to the report of the Working Party of the Ministers' Deputies set up to study and implement paragraph I(k) concerning committee structures, terms of reference and working methods (CM(75)156);

Having regard to the report of the Working Party and of the Secretariat (CM(75)309)

in pursuance of Articles 16 and 17 of the Statute,

RESOLVES as follows:

I. Scope of this Resolution

1. This Resolution shall apply to all committees which - whatever their denomination - are composed of persons designated by the governments of member States and set up by the Committee of Ministers, or with its authorisation, by virtue of Article 17 of the Council of Europe Statute. The Committees set up under the Partial Agreements under the authority of the Committee of Ministers with its membership restricted to the representatives of member States taking part in the activities covered in the Partial Agreement in question shall be governed mutatis mutandis by this provision. Sections II to IV below shall not apply to the Conference of Local and Regional Authorities nor to its subsidiary bodies.
2. Section V of this Resolution shall also apply to functions discharged by the Secretary General providing, with the Committee of Ministers' authorisation, secretariat services for committees not governed by Article 17 of the Statute, subject to the rules in force for such

committees and to such instructions and directives as they, with the Committee of Ministers' explicit agreement, may give the Secretariat in pursuance of such rules (1).

3. This Resolution shall apply to committees set up under a special statute, having regard to their specific character (1).

## II. Committee structures

4. There shall be the following types of committees:

- a. "Steering committee" denotes any committee which is answerable directly to the Committee of Ministers and responsible for a substantial portion of the Medium-Term Plan, and to which the governments of all the member States are entitled to designate persons, preferably from among national officials of the highest possible rank.
- b. "Ad hoc committee of experts" denotes any committee (other than a steering committee) answerable directly to the Committee of Ministers.
- c. "Committee of experts" denotes any committee answerable to a steering committee, whose members all member States are entitled to designate.
- d. "Select committee of experts" denotes any committee answerable to a steering committee, whose members only a limited number of member States are entitled to designate.
- e. "Working party" denotes any committee composed of a limited number of members of an existing committee designated by that committee.

5. Any steering committee may, by a unanimous decision, admit or admit to any committee answerable to it, observers from non-member States of the Council of Europe, or from intergovernmental or non-governmental international organisations, provided that:

- i. Any request for admission as an observer shall be forwarded without delay by the Secretary General both to the Permanent Representatives of member States and to the members of the steering committee concerned.

- 
- (1) The Secretary General shall compile and keep up-to-date a list of these committees which will appear in the "Compendium of Terms of Reference" (see para. 29). This list shall be subject to approval and amendment by the Committee of Ministers.

Appendix III

- ii. Any government so notified may inform the Secretary General within four weeks of its intention to refer the matter to the Committee of Ministers for decision. This decision shall be taken by a two-thirds majority of all the representatives entitled to sit on the Committee.

III. Terms of reference

Definition of terms of reference

6. By "terms of reference" shall be understood all directives relating to a committee's activities.

Types of terms of reference

7. There shall be the following types of terms of reference:
  - a. general
  - b. specific, viz: - sectoral  
- based on the annual programme of activities  
- derived from a convention
  - c. ad hoc.

Sources of terms of reference

8. Terms of reference shall be laid down by the Committee of Ministers, except in the case of:
  - a. specific terms of reference given to committees of experts and select committees of experts by the steering committee responsible in accordance with their general terms of reference;
  - b. terms of reference derived from a convention;
  - c. ad hoc terms of reference laid down in accordance with paragraph 20.

General terms of reference

9. The general terms of reference set out in Appendix I to this Resolution contain the general directives applicable to all committees.

Specific terms of reference

10. Each committee shall have its own terms of reference, which shall specify the tasks it is set up to perform. These specific terms of reference thus constitute the instrument setting up the committee.

11. The duration of specific terms of reference shall not exceed the period covered by the Medium-Term Plan. In the case of steering committees they shall be tacitly extended unless otherwise decided.
12. Specific terms of reference may comprise:
  - a. sectoral terms of reference;
  - b. one or more sets of terms of reference based on the annual programme of activities;
  - c. one or more sets of terms of reference derived from a convention;
  - d. particulars of the qualifications persons invited to become members of the committee should preferably possess;
  - e. rules governing the repayment of committee members' travelling and subsistence expenses by the Council of Europe.

#### Sectoral terms of reference

13. In the case of steering committees, specific terms of reference must necessarily include sectoral terms of reference describing the section of the Medium-Term Plan for which the committee is responsible and hence the definition of its sphere of competence when carrying out its general terms of reference. If need be, these terms of reference shall indicate any other steering committee(s) engaged in related work.

#### Terms of reference based on the annual programme of activities

14. For every activity entered in the annual programme of activities, corresponding terms of reference must be mentioned in the programme.
15. In the case of multidisciplinary activities, ie those involving more than one committee, the programme shall specify the steering committee mainly responsible.
16. A completion date shall be indicated for each activity.

#### Terms of reference derived from a convention

17. Terms of reference derived from a convention shall be reproduced in the specific terms of reference given to the committee concerned.

#### Ad hoc terms of reference

18. The Committee of Ministers may at any time lay down ad hoc terms of reference for any committee.

Appendix III

19. When the Committee of Ministers issues ad hoc terms of reference to a committee of experts or select committee of experts not directly answerable to it, the intermediate committees shall be informed accordingly.
20. Steering committees may, within the limits of their own competence, lay down ad hoc terms of reference for a committee of experts or select committee of experts answerable to them.
21. Ad hoc terms of reference shall include a completion date.

IV. Working methods

Rules of procedure

22. Committee procedure shall be governed by the Rules of Procedure set out in Appendix 2 to this Resolution.

V. Role of the Secretariat

General services

23. The Secretary General shall provide committees with the necessary staff, including committee secretaries, as well as with the administrative and other services they may require.

Documentation service

24. The Secretary General shall be responsible for preparing and distributing documents to be discussed by committees.
25. The Secretary General shall in good time inform every committee of the content of its general, specific and any ad hoc terms of reference. He shall also ensure that these texts are available to the committee at all times.
26. a. The Secretariat shall reproduce the reports adopted at committee meetings and circulate them, if possible, within one week.  
b. Where a committee is authorised to dispense with a meeting report, the Secretariat shall produce on its own authority a memorandum drawn up in a form as similar as possible to the model meeting report and shall circulate it within the same time-limit.

## Drafting of terms of reference

27. When compiling the draft annual programme of activities, the Secretariat shall ensure that terms of reference are included for each activity.
28. The Secretariat shall assist all committees in drafting terms of reference.

## Compendium of terms of reference

29. The Secretariat shall compile and keep up to date for restricted circulation a loose-leaf "Compendium of Terms of Reference" containing:
  - this Resolution(76)3 and any subsequent amendments to it,
  - the general terms of reference,
  - the specific terms of reference,
  - the ad hoc terms of reference,
  - the terms of reference derived from conventions, or special statutes given to committees set up under them,
  - the terms of reference of committees of senior officials,
  - the decisions concerning the admission of observers, case by case,
  - Resolution(59)23 of the Committee of Ministers concerning the extension of the activities of the Council of Europe in the social and cultural fields and the decision taken by the Council of WEU on 16 November 1959,
  - any other decision of the Committee of Ministers or the Secretary General relating to terms of reference.

## Convening of committees

30. The Secretary General shall convene committee meetings in accordance with, in particular, the following rules:
  - i. committees shall be convened in accordance with the authorisation given by the Committee of Ministers and with the general practices of good management;
  - ii. where, in the case of a committee answerable directly to the Committee of Ministers, the Secretary General is of the opinion that a meeting authorised by the latter should not be convened, he shall so inform the Permanent Representatives, explaining his reasons. Where an objection is made by at least two Permanent Representatives within two weeks the decision shall lie with the Committee of Ministers.

Appendix III

31. All committees shall be convened by the same procedure. Notice of meetings shall be sent to the addresses specified by the member States' Permanent Representatives. It shall specify the name of the committee, the place, date and opening time of the meeting, its probable duration and the subjects to be dealt with. It shall contain an invitation to nominate experts and, in the cases concerned, the indication of the qualifications they should preferably possess. Except on grounds of urgency, which shall be duly explained, notice of meetings shall be circulated at least six weeks before the proposed date.
32. The Secretariat shall circulate to the experts nominated, at least one month before the opening of the meeting, the draft agenda, a provisional list of working papers and the working papers themselves. Any Permanent Representative may ask for copies of the above documents.
33. The Secretary General shall ensure that meetings are so planned that they can be serviced as efficiently and economically as possible.
34. Committees shall be convened at the headquarters of the Council of Europe.
35. Exceptionally, the Secretary General may, if there is no objection from the government of the State on whose territory it is intended to hold the meeting and if suitable technical facilities are available on the spot, convene a committee elsewhere in the case of:
  - i. very short meetings in places with better rail or air communications than Strasbourg;
  - ii. meetings where a visit to a specialised establishment in a place other than Strasbourg is essential to the efficiency of the committee's work.
36. For any other departure from the rule in paragraph 34 above, the Secretary General must obtain the prior consent of the Committee of Ministers.

## Co-ordination

37. The Secretary General shall ensure that each committee is informed about any activities of other committees which may have implications for the execution of its own terms of reference.

VI. Entry into force of this Resolution

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38. Sections I and V and Appendix I (General Terms of Reference) shall come into force upon adoption of this Resolution.
39. Structures (Section II) and terms of reference other than general terms of reference will be drawn up during 1976 and will replace existing structures and terms of reference not later than 31 December 1976.
40.
  - a. The Rules of Procedure in Appendix 2 shall come into force upon adoption of this Resolution, and shall apply to all the committees set up in accordance with this Resolution. Existing committees may continue to apply their old rules of procedure in 1976 but these will lapse on 31 December 1976.
  - b. Clauses of specific rules of procedure which conflict with the rules of procedure set out in Appendix 2 shall remain applicable to steering committees taking over the functions of committees which had specific rules of procedure, until 30 June 1977 at the latest.
41. All earlier resolutions and decisions of the Committee of Ministers which concern either committee structures, terms of reference and working methods of committees or instructions given to the Secretariat about its role in relation to committees shall be replaced by this Resolution progressively as it becomes applicable, wherever they conflict with it.

Appendix III

Appendix I to Resolution(76)3

GENERAL TERMS OF REFERENCE

Part One

1. To execute, in compliance with the Rules of Procedure:
  - the committee's specific terms of reference,
  - any ad hoc terms of reference given to the committee.
  
- 2\*. To ensure that every activity in the annual programme of activities results in:
  - the preparation of a draft convention or agreementand/or
  - the preparation of a draft resolution containing recommendations to member governments within the meaning of Article 15(b) of the Statuteand/or
  - an exchange of viewsand always
  - the preparation of a final activity report.
  
3. To set up under the committee, where needed, working parties comprising a limited number of the committee's members, giving them - within the scope of its own terms of reference - precise ad hoc terms of reference of specified duration.
  
4. To appoint - in the case of all steering committees and as appropriate in the case of ad hoc committees of experts and committees of experts - a bureau whose functions are:
  - to assist the Chairman in conducting the committee's business,
  - to supervise the preparation of meetings at the committee's request, and
  - to ensure continuity between meetings as necessary.

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\* See CM(75)10, 2nd revision, on this subject.

5. To supervise the activities of bodies subordinate to it.
6. To adopt, at the end of each meeting or in exceptional cases as soon as possible thereafter, a meeting report to be addressed to the senior body. Committees other than steering committees may be authorised to dispense with this by the senior body on which they depend (1), in which case the latter indicates the period for which such authorisation is given.

The meeting report shall contain:

- i. a brief foreward (not more than two paragraphs) stating the main subjects dealt with in the report;
  - ii. a table of contents;
  - iii. a list of items submitted to the senior body for decision;
  - iv. a brief summary of the committee's proceedings, clearly indicating any decisions taken and specifying, if need be, majority and minority opinions;
  - v. appendices comprising:
    - a list of participants,
    - the agenda of the meeting,
    - where appropriate, a preliminary draft agenda for the next meeting,
    - the texts submitted for adoption,
    - any other relevant texts.
7. To adopt, within the time specified in the terms of reference based on the annual programme of activities or in the ad hoc terms of reference:
    - either a final activity report, containing, in particular:
      - i. a table of contents;
      - ii. an allusion to the terms of reference based on the annual programme of activities or to the ad hoc terms of reference;

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(1) For meetings on which no report is written see Article 26(b), which reads as follows:

"Where a committee is authorised to dispense with a meeting report, the Secretariat shall produce on its own authority a memorandum drawn up in a form as similar as possible to the model meeting report and shall circulate it within the same time-limit."

Appendix III

- iii. an annotated list of the items submitted to the senior body for decision;
  - iv. where appropriate, proposals as to the expediency of publishing the report or part thereof;
  - v. the body of the report;
  - vi. the majority and minority opinions should the report, or part thereof, not reflect the unanimous opinion of the committee;
  - vii. appendices comprising:
    - list of participants,
    - any texts submitted for adoption,
    - any other relevant text
- or, if the terms of reference have not been executed in full within the prescribed time, an interim report indicating the state of progress, the reason for the delay and specific proposals regarding the continuation or cessation of the work.

Part two (steering committees only)

- 8. To convey to the Secretary General its views on future preliminary draft Medium-Term Plans and on proposals for the biennial review of such plans (1).
- 9. To indicate to the Secretary General, for proposal to the Committee of Ministers, activities for inclusion in the annual programme of activities, in the light of the objectives and sub-objectives of the Medium-Term Plan.
- 10. a. To set up, as required, for the purpose of preparing and executing particular items in their terms of reference, committees of experts and select committees of experts and lay down their specific terms of reference;
- b. To modify, where necessary, the specific terms of reference of such committees within the limits defined by the terms of reference of the steering committee;
- c. To decide to instruct the Secretary General, by means of directives, to arrange for the preparation and execution of particular items in their terms of reference, having recourse where appropriate to the services of one or more consultants;
- d. Decisions under point (a) above must be approved by the Committee of Ministers before they can become operative.

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(1) See paragraphs 15 and 4 of Resolution(74)33.

11. To devote a part of its meetings to exchanges of views and information on developments, in the field for which it is competent under its sectoral terms of reference, in legislation, policy and administrative practice in each of the member States and on parallel activities in other international organisations.
12. Where a steering committee's specific terms of reference indicate other steering committees engaged in related activities, besides fulfilling the functions specified in paragraph 4 above, the bureau of such a steering committee shall be required to maintain contact with the bureaux of the other steering committees referred to, in order:
  - to avoid overlapping and misunderstandings,
  - to secure greater cohesion in the Council of Europe's intergovernmental activities, and
  - to ensure, in particular, that multidisciplinary activities are carried out as rationally and efficiently as possible.

In the event of difficulties or disagreements, the bureaux shall refer these to the Secretary General. If he cannot resolve them rapidly he shall submit the matter to the Committee of Ministers for decision, informing the members of the steering committees concerned.

Appendix III

Appendix 2 to Resolution(76)3

RULES OF PROCEDURE  
FOR COUNCIL OF EUROPE COMMITTEES

Article 1 - Convocation

Committee meetings shall be convened by the Secretary General in accordance with the instructions of the Committee of Ministers.

Article 2 - Postponment of meetings

When a meeting of a committee has been convened in accordance with the provisions of Article 1, any request for postponement shall be made at least fifteen days before the date fixed for the opening of the meeting; a decision in favour of postponing the meeting shall be regarded as taken if a majority of the members inform the Secretary General of their agreement at least seven days before the date originally fixed.

Article 3 - Agenda

- a. The Secretary General shall draw up the draft agenda for a meeting. If the Chairman of the committee has already been appointed, he shall be consulted in advance.
- b. The agenda shall be adopted by the committee at the beginning of its meeting.

Article 4 - Documentation

- a. Documents for the meeting shall be sent to members by the Secretary General in accordance with the instructions of the Committee of Ministers.
- b. Documents requiring a decision, whether originating from the Secretariat or from a member, shall be sent to members at least one month before the opening of the meeting at which the decision is to be taken. In exceptional cases, however, the committee may, if no member objects, consider a document submitted later.

Article 5 - Secrecy of meetings

Committee meetings shall be held in private.

Article 6 - Communications to the press

By unanimous and express agreement of the committee, the Chairman, or the Secretary General on his behalf, may make suitable communications to the press on the work of the committee.

Article 7 - Quorum

There shall be a quorum if two-thirds of the members of the committee are present.

Article 8 - Official languages

- a. The official languages of the committee shall be those of the Council of Europe.
- b. A committee member may speak in a language other than the official languages, in which case he must himself provide for interpretation into one of the official languages.
- c. Any document drafted in a language other than the official languages shall be translated into one of the official languages, the member from whom it originates being responsible for making the necessary arrangements.

Article 9 - Observers

- a. An observer shall have no right to vote.
- b. With the Chairman's permission, an observer may make oral or written statements on the subjects under discussion.
- c. Proposals made by observers may be put to the vote if sponsored by a committee member.

Article 10 - Proposals

Any proposal must be submitted in writing if a committee member so requests. In that case it shall not be discussed until it has been circulated.

Article 11 - Order of voting on proposals or amendments

- a. Where a number of proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted. In case of doubt, the Chairman shall decide.
- b. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more amendments to the same proposal are presented, the committee shall vote first on whichever departs furthest in substance from the original proposal, and so on until all the amendments have been put to the vote. However, where the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the Chairman shall decide.

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- c. Parts of a proposal or amendment may be put to the vote separately.
- d. In the case of proposals with financial implications, the most costly shall be put to the vote first.

Article 12 - Order of procedural motions

Procedural motions shall take precedence over all other proposals or motions except points of order. They shall be put to the vote in the following order:

- a. suspension of the sitting;
- b. adjournment of discussion on the item in hand;
- c. postponement of a decision on the substance of a proposal until a specified date.

Article 13 - Reconsideration of a question

When a decision has been taken it is only re-examined if a member of the committee so requests, and if this request receives a two-thirds majority of the votes cast.

Article 14 - Voting

- a. Each member of the committee shall have one vote; however, where a government designates more than one member, only one of them is entitled to take part in the voting.
- b. Subject to any contrary provisions in these Rules, decisions of the steering committees are taken by two-thirds majority of votes cast.
- c. Except on procedural matters, other committees shall not take decisions by voting. They shall state their conclusions in the form of unanimous recommendations, or, if this proves impossible, they shall make a majority recommendation and indicate the dissenting opinions.
- d. Procedural matters shall be settled by a majority of the votes cast.
- e. Where the question arises as to whether or not a matter is procedural in nature, it may not be so regarded unless the committee decides to that effect by a majority of two-thirds of the votes cast.
- f. For the purposes of these Rules "votes cast" shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.

Article 15 - Reports

Every committee shall establish the reports specified in its terms of reference.

Article 16 - Minutes

Any committee may, if it considers this necessary, have minutes kept. After meetings, the Secretariat shall submit a draft to the committee members. On expiry of a period specified for the submission of corrections, the Secretariat shall prepare and circulate the final version.

Article 17 - Chair

- a. Every committee shall elect a Chairman and Vice-Chairman. However, the Chairman of a committee answerable to a steering committee may be appointed by the latter.
- b. The Chairman shall conduct proceedings and sum up the conclusions whenever he thinks necessary. He may call to order a speaker who departs from the subject under discussion or from the committee's terms of reference. He shall retain the right to speak and to vote in his capacity as a member of the committee.
- c. The Vice-Chairman shall replace the Chairman if the latter is absent or otherwise unable to take the Chair. If the Vice-Chairman is absent, the Chairman shall be replaced by another member of the bureau, appointed by the latter, or where there is no bureau by a member of the committee appointed by the committee.
- d. Election of the Chairman and Vice-Chairman shall require a two-thirds majority at the first ballot and a simple majority at the second ballot. In steering committees, the election shall be held by secret ballot, in other committees by a show of hands, unless a member of the committee requests a secret ballot.
- e. Wherever practicable, the Chairman shall be appointed at the end of the meeting preceding expiry of the outgoing Chairman's term of office. Otherwise, he shall be appointed at the beginning of the meeting, in which case the Secretary General or his representative shall take the Chair temporarily.
- f. The term of office of the Chairman and Vice-Chairman shall be one year. It may be renewed once.

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Article 18 - Bureau

- a. Every steering committee shall appoint a bureau consisting of the Chairman, the Vice-Chairman and from one to three members of the committee. Any other committee may, if need be, appoint a bureau composed, normally, of three members.
- b. Other members of the bureau shall be appointed in the same manner as the Chairman and Vice-Chairman. They shall be appointed immediately after the Chairman and Vice-Chairman in accordance with an equitable geographical distribution.
- c. The term of office of such members shall be two years and may be renewed only once. However, a member may, on expiry of his second term, be appointed Chairman. In order to ensure partial replacement of the bureau each year, the first term of one such member shall be limited to one year.
- d. A member elected to replace another whose term of office has not expired shall complete his predecessor's term. The same shall apply to the offices of Chairman and Vice-Chairman.

Article 19 - Rapporteur and drafting committee

The committee may appoint a rapporteur, a drafting committee or both.

Article 20 - Secretariat

- a. The Secretary General shall provide the committee with the necessary staff, including the committee secretary, as well as with the administrative and other services it may require.
- b. The Secretary General or his representative may at any time make an oral or written statement on any subject under discussion.
- c. The committee may direct the Secretary General to prepare a report on any question relevant to the committee's work.
- d. The Secretariat shall be responsible for preparing and circulating all documents to be examined by the committee.

Article 21 - Revision

Any committee answerable directly to the Committee of Ministers may propose to that committee either that these Rules be amended, or that certain provisions be added or others waived as far as it or a committee dependent on it is concerned.

APPENDIX IV

(item X)

RESOLUTION(76)4

on consultants

(adopted by the Committee of Ministers on 18 February 1976  
at the 254th meeting of the Ministers' Deputies)

The Committee of Ministers,

Having regard to Resolution(74)4 on the future role of the Council of Europe;

Having regard to the report of the Working Party of the Ministers' Deputies set up to study and implement paragraph I(k) concerning committee structures, terms of reference and working methods (CM(75)156),

Having regard to the report of the working party and of the Secretariat General (CM(75)309),

In pursuance of Articles 16 and 17 of the Statute,

RESOLVES as follows:

I. Definition

1. Consultants shall be highly specialised persons (or institutions) engaged under a service contract to perform a clearly defined task with a view to presenting a report within a specified time-limit and in return for specialised remuneration. The Secretariat organisational chart and the Staff Regulations shall not apply to consultants.

II. Categories

2. There shall be two categories of consultant:
  - consultants for the annual programme of activities, on whose services the Secretary General may call in accordance with directives issued by the steering committees;
  - Secretary General's consultants.

Appendix IVIII. Terms of reference

3. Consultants' terms of reference shall specify the general lines of the work to be done, its purpose and its completion date.
4. The content of the terms of reference of consultants for the annual programme of activities and the qualifications that should preferably be possessed by the person or agency to be appointed shall be determined by directives issued to the Secretary General by the steering committees.
5. The content of the terms of reference of Secretary General's consultants shall be determined by the Secretary General.
6. A consultant shall not be used if the work can be done satisfactorily by a Secretariat official.

IV. Recruitment

7. Consultants shall be recruited by the Secretary General. In order to find the best person for the assignment, the Secretary General may seek the assistance of the bureau of the steering committee concerned and/or the Permanent Representatives.

V. Service contracts

8. A service contract shall be signed by the Secretary General on behalf of the Council of Europe, and by the consultant.
9. The contract shall reproduce the terms of reference, state the remuneration and specify the manner in which the services are to be performed (at home, part-time or full-time).
10. The contract shall also stipulate that the interpretation of all the clauses of the contract shall rest with the Secretary General, except that he shall consult the bureau of the steering committee concerned with regard to interpretation of the terms of reference of consultants for the annual programme of activities.
11. a. Operational supervision of the execution of the terms of reference assigned to a consultant for the annual programme of activities shall be carried out initially by the Secretary General and ultimately by the steering committee that laid down his terms of reference.  
b. Operational supervision of the execution of the terms of reference assigned to a Secretary General's consultant shall be carried out by the Secretary General.

12. Supervision of the execution of the non-operational clauses of the service contract shall be carried out according to the rules of administrative supervision.

VI. Remuneration

13. Remuneration shall be determined according to criteria laid down in advance, bearing in mind the time required for completion of the task and the quality of work required.
14. The remuneration of consultants for the annual programme of activities shall be charged to the part of the budget covering the annual programme of activities.
15. The remuneration of Secretary General's consultants shall be charged to a separate sub-head in the budget.

APPENDIX V  
(item XIV)

RESOLUTION(76)2

on the treatment of long-term prisoners

(adopted by the Committee of Ministers on 17 February 1976  
at the 254th meeting of the Ministers' Deputies)

The Committee of Ministers,

Considering that offenders who have committed serious crimes or are recidivists who have repeatedly committed serious crimes are at present condemned to long-term sentences;

Considering that the enforcement of long-term sentences may have adverse effects on the prisoner and his dependents;

Considering that the enforcement of long-term sentences and the provision of appropriate rehabilitation is a difficult task for institutions and their staff;

Considering that on account of numerous other tasks, society is not always ready to devote the necessary attention and financial resources to the enforcement of long-term sentences;

Taking into account Resolution(73)5 on the Standard Minimum Rules for the Treatment of Prisoners,

I. RECOMMENDS that the governments of the member States:

1. Pursue a criminal policy under which long-term sentences are imposed only if they are necessary for the protection of society;
2. Take the necessary legislative and administrative measures in order to promote appropriate treatment during the enforcement of such sentences;
3. Apply stringent measures of security only in those places where genuinely dangerous prisoners are detained;
4. Provide in prison opportunities for appropriate work and an adequate system of remuneration;
5. Encourage all education and vocational training by providing an adequate system of remuneration for these activities also;

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Appendix V

6. Encourage a sense of responsibility in the prisoner by the progressive introduction of systems of participation in all appropriate areas;
7. Reinforce the contacts of the prisoners with the outside world, particularly by encouraging work outside the institution;
8. Grant periods of leave from prison not as a relief from detention but as an integral part of the programme of treatment;
9. Ensure that the cases of all prisoners will be examined as early as possible to determine whether or not a conditional release can be granted;
10. Grant the prisoner conditional release, subject to the statutory requirements relating to time served, as soon as a favourable prognosis can be formulated; considerations of general prevention alone should not justify refusal of conditional release;
11. Adapt to life sentences the same principles as apply to long-term sentences;
12. Ensure that a review as referred to in 9. of the life sentence should take place, if not done before, after eight to fourteen years of detention and be repeated at regular intervals;
13. Improve the training of prison staff of all ranks with reference to the special problems of long-term prisoners and to provide staff adequate to ensure deeper understanding, personal contacts and continuity in the treatment of prisoners;
14. Promote studies by multidisciplinary teams, comprising inter alia psychiatrists and psychologists, on the effects of long-term sentences on the prisoner's personality, having particular regard to the effects of diverse prison conditions;
15. Take all steps to ensure a better understanding by the general public of the special problems of long-term prisoners, thereby creating a social climate favourable to their rehabilitation.

II. INVITES the governments of member States to inform the Secretary General of the Council of Europe every five years of the steps they have taken to implement this Resolution.

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APPENDIX VI  
(item XVI)

RESOLUTION(76)5

on legal aid in civil, commercial and administrative matters

(adopted by the Committee of Ministers on 18 February 1976  
at the 254th meeting of the Ministers' Deputies)

The Committee of Ministers,

Considering that with a view to eliminating economic obstacles to legal proceedings and permitting persons in an economically weak position more easily to exercise their rights in member States, it is expedient to ensure equality of treatment in granting legal aid to nationals of member States of the Council of Europe and to those aliens for whom such equality of treatment appears to be most justified,

RECOMMENDS to governments of member States:

to accord under the same conditions as to nationals, legal aid in civil, commercial and administrative matters irrespective of the nature of the tribunal exercising jurisdiction:

- a. to natural persons being nationals of any member State;
- b. to all other natural persons who have their habitual residence in the territory of the State where the proceedings take place.

APPENDIX VII  
(item XX)

RESOLUTION(76)6

containing Recommendations to governments on  
Prevention of Accidents in Childhood

(adopted by the Committee of Ministers on 18 February 1976  
at the 254th meeting of the Ministers' Deputies)

The Committee of Ministers,

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 common action in the social and public health fields;

Expressing considerable concern at the lack of noticeable changes in member States concerning the situation of accidents in childhood since the study undertaken in the framework of the 1970 co-ordinated medical research programme;

Considering that accidents in childhood still present considerable public health problems;

Considering that these accidents represent unnecessary costly burdens for the community and often a considerable physical, social and psychological handicap to the child and its family;

Considering the need for continuous action in the field of prevention of accidents in childhood on local, regional, national and international levels,

I. RECOMMENDS governments of member States to implement as fully as possible the measures enumerated in Appendix A and to make use when introducing these measures, of the model given in Appendix B.

II. INVITES the governments of member States to inform the Secretary General of the Council of Europe every five years of the action taken by them in the present Resolution.

Appendix VIIAppendix A to Resolution(76)6

With a view to promoting child safety in member States of the Council of Europe, the following measures should be taken:

I. ORGANISATION

1. The possibility should be examined of setting up a national body (whether governmental or non-governmental) which might assume responsibility for eg:

- problem analysis,
- policy decision,
- guidelines formulation.

2. Such a national body should develop effective means of communication with local organisations (governmental or non-governmental) who could be responsible for eg:

- collection of information,
- programme of development,
- co-ordination of programme implementation,
- research.

3. If a non-governmental body has been encouraged to serve as the agent of the government for this purpose, then means should be placed at its disposal to render it effective.

II. STUDY AND RESEARCH

1. Research related to child safety should be problem orientated or service orientated.

2. It should be concerned not only with mortality but also rather with child accidents morbidity in respect of:

- different age groups,
- different locations,
- different agents.

3. It should be developed to identify the consequences of injury in terms of long-term and permanent disability.

4. It should be carried out to indicate cost effectiveness of child safety programmes.

5. Such research should use modern epidemiological methods to ensure that ecological circumstances are taken into account.

### III. EDUCATION AND TRAINING

1. Health education should stress the importance of safety and to this end should emphasise the need for the training of the child, the parent and the teacher and also ensure the active participation in safety behaviour of the child at all ages.

Such programmes of education should constantly be related to psycho-motor development of the child because of the different risks faced by each age group.

2. The responsibilities of doctors and nurses and other health personnel in the promotion of child safety should be clearly recognised and this fact should be incorporated into their training.
3. School curricula should be designed in such a way to include appropriate instruction and practice throughout the school age in safety measures and life saving procedures.
4. Training measures which are developed to encourage the protection of the child should recognise the importance of active community participation in the implementation of programmes for child safety.

### IV. LEGISLATION AND STANDARDISATION

1. Regulations should be constantly reviewed and developed. They should be related to changing patterns of life and to information derived from research and studies.
2. A standard institution should be designated in each country with the means to assess the design and safety aspects of manufactured articles, indoors and outdoors environment, and to keep these standards under close review and to keep close contact in this respect with industry.
3. Whenever possible these national standards should receive international acceptability.

### V. INFORMATION SERVICES

1. Governments should give the widest possible distribution to all instances concerned with child safety of both the report prepared by the 1970 co-ordinated medical research team and the present Resolution.
2. Governments should indicate in addition to whom they would like the Council of Europe to distribute these publications.

Appendix VIIAppendix B to Resolution(76)6Plan for a national programme  
of child safetyModelTHE PROMOTION OF CHILD SAFETYModel child accident prevention schemeSTATISTICS

Any national plan designed to prevent accidents must, to be successful, be based on accurate information regarding the causes, the incidence and the results of accidents. Statistical information relating to child accidents and their different causes must be continually available. It is probably only practicable on a national scale to consider mortality figures but these alone will indicate the size of the problem and, if publicised in an understandable form, will attract public awareness to avoidable childhood tragedies and risks which need not happen and could with thought and care so often be prevented. It is also desirable to plan local surveys in different parts of the country where, as well as the mortality figures which will already be known, valuable information will be obtained regarding the vulnerability of children to accidents and to the differing risks which they face. This combination of national mortality figures associated with local morbidity studies will provide a wealth of material upon which an effective plan of prevention can be based. Doctors will play a leading part in the accurate preparation of such data, for they see the victims of these accidents, and the validity of the information will depend greatly on their accurate reporting. It is then necessary, through the popular media of communication, such as the radio and the press, to keep the public informed about such accidents so that they cannot claim ignorance of existing dangers and thus will be sympathetic to measures which are taken to reduce them.

ORGANISATION

Government naturally has a leading role to play; however, it is important that government activity in accident prevention be co-ordinated. In some cases it may be appropriate for a single government department to be concerned; in others an interdepartmental co-ordinating committee may meet the need. It should be responsible for the collation of information and its distribution, the promotion

of legislation, and the stimulation of action by local and regional authorities and by voluntary organisations. It would need to recognise that alone it would achieve little but that indirectly through the agency of local statutory and voluntary authorities, and with the aid of national propaganda, it could make a substantial impact. At national level it will best achieve this result by establishing a committee widely representative of organisations which are involved.

#### CO-ORDINATION

Local "weeks" devoted to accident prevention with exhibitions and talks in public meeting places and in schools and clinics can prove highly rewarding; an imaginatively prepared exhibition with an adequacy of simple colourful information, together with practical talks, can well excite more interest and response than the impersonal national poster or the radio programme. Such "weeks", perhaps at yearly intervals, could be devoted to different forms of childhood accident and their prevention.

This continuing local activity in the interests of promoting child safety will require the active support of local organisations and individuals and can best be created and maintained by the establishment of local representative committees who would work under the guidance of and in association with the local health authorities. The latter will turn for advice to their medical officers of health, who rightly regard child safety as an important part of child health, but others should be equally involved. The architect, too, has a responsibility to see that safe homes are designed for the protection as well as the comfort of their occupants. Then again the town planning officer has a duty to ensure that the environment which he is creating recognises the need for road safety, and has play spaces which are easily accessible, providing scope for adventure and are yet safe. Industry, too, has a concern with child safety, for management should recognise that its employees will be more effective and more contented in the knowledge that their children are being safely cared for during their time at work in the factory or the office.

#### RESEARCH

Local surveys of accident morbidity, which will need the co-operation of doctors and hospitals, will attract considerable local interest and will form the basis upon which local research can be conducted; research not only into the incidence of accidents and their causes but also into the effectiveness of the various forms of accident prevention which are practiced. Research which enables an evaluation of methods of accident prevention is all-important; there is a tendency to believe that continuity propaganda on orthodox and traditional lines will achieve the best results, but it may well prove that the public becomes no longer receptive to such measures and that new, as yet untried, approaches will for a time prove far more rewarding. The other advantage of such local

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studies and research is that it will involve local people who may well prove more influential and effective than remote central departments and agencies; studies have shown that a locally based education programme of accident prevention, if maintained, can be highly successful. Local surveys should however be undertaken on a planned and co-ordinated basis in order to ensure that the results are nationally representative.

LEGISLATION AND STANDARDS

With advances in scientific knowledge, life for the individual and the family becomes more sophisticated and in some respects more dangerous; equipment in the home becomes more complicated and elaborate and road traffic becomes more congested and at the same time often travels at greater speeds. There is a limit to what goodwill and exhortation can achieve and an appliance, even a child's toy, may prove to be so dangerous that to prevent further manufacture or to render it safe legislation may prove necessary; in the same way the speed of vehicles in heavily populated areas may need to be controlled by law more strictly. Many examples are to be found in different countries of necessary legislation which has proved to be effective, eg poisons control, but it should only be considered when all other measures have failed. The writing of "standards" for articles, appliances and building materials is now the accepted practice in many countries and some, eg colour of electric wiring, are internationally agreed. Legislation, if necessary, can sometimes be based on such standards.

EDUCATION AND TRAINING

Finally, one comes to probably the most important form of accident prevention - education. It is not always clearly appreciated that the small child of pre-school age is rarely aware of the dangers that exist in and around his home and the importance of adequate supervision cannot be overstressed. This is essentially the responsibility of the parents, who themselves may sometimes be ignorant of some of the risks, for it is equally important for them to teach the child about these hazards and at the same time to protect him as far as it is humanely possible from those which he cannot avoid unaided.

The child watches the adult and tends to learn from such experience, but the adult is not always the best teacher. The educational curriculum should include instruction in accident prevention and life saving since this is an important part of the process on growing to maturity - not always recognised. Teachers themselves need to be persuaded of the merit of this and should be able confidently to give instruction in this; for this purpose it needs to form part of their training and to be included in their own curriculum. There is no advantage in delaying this aspect of child education until a certain age is reached because, generally speaking, the earlier the age at which such instruction begins the more likely it is for the knowledge to be retained -

and this feature of the educational system should continue throughout the school-days. Education does not stop there because continuing health education should form a valuable part of every country's governmental programme and should be an important feature of the work of doctors, nurses and health visitors whether with individual patients or in their work in clinics and hospitals. The medical officer of health has an essential role. There is nevertheless a limit to the effect which they can achieve and the assistance of the various means of dissemination of information on a large scale, such as the newspapers or the radio or television, should be sought. It is tempting to imagine that the public in any country can benefit from a mass of detailed instruction presented in the shortest possible time, but experience suggests that for most people one feature concerned with one aspect of child safety at a time, presented in the simplest terms, is more likely to be understood, learnt and retained. Health education for its greatest success requires the advice and experience of the medical officer of health, the teacher, the epidemiologist and the expert in ways of communication.

As the control of disease becomes firmer, as surgical skills become more far-reaching, as anaesthetics become more sophisticated and drugs more precise in their action, so accidents loom larger as a leading cause of death and disability. It thus becomes vitally necessary to develop and employ the most effective means of preventing them. Similar types of accident affect all age groups and thus similar means of protection can be equally successful, but too often children are the victims because of lack of supervision, training or sheer unawareness of the risks which they face. The government, the manufacturer, the parent, the teacher and the statutory authorities all bear a responsibility.

APPENDIX VIII  
(item XX)

RESOLUTION(76)7

on different types of hospitals  
and hospital groups

(adopted by the Committee of Ministers on 18 February 1976  
at the 254th meeting of the Ministers' Deputies)

The Committee of Ministers,

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 common regulations in the social and public health fields;

Considering the advantages for the member States of the Council of Europe represented by an efficient organisation in the provision of medical care for the population concerned, which remains the paramount aim;

Considering that at the present time the hospital represents a very costly instrument by reason of its development in the technical and social spheres;

Having regard to the potential value of rationalising general arrangements for hospital cover, with the object of containing the growth as much as possible of expenditure on this item without losing in quality,

I. RECOMMENDS that the governments of member States:

A. ensure generally that the hospital needs of the community are adequately catered for. It is also necessary to ensure that each hospital becomes an integral part of the health service system rather than a self-sufficient unit; the hospital system in turn must be made to co-operate closely with the other health and social services;

B. observe the implementation of the measures advocated under A above, ensuring a degree of flexibility that will permit constant adjustments to the changing needs of the population;

C. develop statistical studies, in order to define more precisely the hospital cover, which must be neither excessive nor inadequate;

D. to take into account in their health policy legislation the principles set out in the Appendix, in seeking for an effective and dynamic system of hospital logistics.

II. INVITES governments of member States to report every five years to the Secretary General on action taken on the present Resolution.

Appendix VIIIAppendix to Resolution(76)71. Definition of a hospital cover

By hospital cover is meant co-ordinated network of hospital facilities of different levels serving a given geographical area.

2. Factors to be borne in mind in hospital planning

2.1 Planning must result in the establishment of hospital cover which will afford easy access for all those in need of hospital service.

It is necessary that this hospital cover is proportionate to the foreseeable needs of the whole population in a given area.

To justify the establishment of a hospital group, the catchment area should normally encompass a population of between half a million and several million inhabitants, depending on demographic density.

Furthermore, limits of this catchment area should be set, having regard to the ease of road and rail communications affording speedy access to treatment centres.

2.2 A demographic study, designed to pinpoint the effects of variations due to natural causes (births and death); and to permanent or periodical migratory movements, is required to show how populations are evolving.

Differentiation by age groups is necessary with a view to the provision of installations that are both qualitatively and quantitatively appropriate, namely depending on ageing of population.

2.3 It is also necessary to pay heed to agricultural, industrial or other forms of activity, since these can produce variations in the nature of what is required.

2.4 Morbidity is not uniform among different groups of the population. It may vary in time and place namely according to economical and cultural conditions; therefore forward studies should be developed in this field.

2.5 The way in which medical techniques are evolving has shown the difficulty of making forecasts concerning hospitalisation. The closest consideration should be given to the technical advances recorded as well as to those envisaged in the medium term.

2.6 In the future, the development of health organisation outside medical care establishments should, to some extent, influence the causes of hospitalisation.

2.7 In planning, it is essential to pay proper regard to the numbers of health personnel needed; their qualifications and numbers must be commensurate with the needs of the hospital cover.

2.8 It is also necessary to take into consideration the hospital structure and its relationship with the social security and health care system such as it exists or is planned according to legislation in force.

### 3. Hospital groups and different types of hospitals

3.1 The make-up of services in a catchment area may be specified as follows:

#### Type A

Diagnosis and short intensive therapy or care, medical and technical in character.

#### Type B

Active type of care, medical and technical in character, for periods varying from a few weeks to several months.

#### Type C

Hospitalisation service for patients requiring lengthy but less active care including rehabilitation; medical and social in character. Facilities whose function is only social are no longer classified among hospitals.

The elderly (65 and over) do not constitute a homogeneous group in respect of need for medical care; elderly people should be hospitalised at a general hospital for acute diseases, and it is important not to over-estimate the role of the medical facilities in the case of lengthy stays.

3.1.2 As far as specialised units are concerned only in a large hospital complex can independent specialised units be set up. Such specialised units should operate in close conjunction with a hospital centre. A harmonious apportionment of the different specialities, making up satisfactory units, can be organised in the different hospital establishments of a big town. As far as psychiatry is concerned it would be desirable that services for acute care are integrated into the hospital.

3.1.2 In order to avoid a proliferation of small specialist units, it should be possible for specialists to be seconded to smaller hospitals.

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3.2 A functional classification of hospitals may be defined as follows:

3.2.1 Regional hospital centre

Its capacity may vary between 1,200 and several thousand beds, according to the population served. Its facilities should cover all specialities at the highest technical level, with the exception of a few sophisticated specialised techniques (such as heart surgery, etc), which may be dealt with on an inter-regional basis.

3.2.2 Main hospital centre

This hospital (population served: 200,000 inhabitants and more. Number of beds: 500 or more) should combine several surgical sections covering different specialities, a number of departments for internal medicine whose activities could be somewhat specialised, services providing the usual specialities, a department of gynaecology and obstetrics and a paediatrics section, X-ray and analysis laboratories, an emergency service and one for anaesthesia and resuscitation, an out-patients' department and a social and medico-social department.

3.2.3 Hospital centre

This hospital (population served: not less than 80,000 inhabitants, but in exceptional circumstances; number of beds: 250 or more) should include a department for internal medicine, a general surgical department, a department of gynaecology and obstetrics with a paediatrics section, facilities for outside consultations, and laboratories, as well as a social and medico-social department.

3.2.4 Local hospital

This hospital, whose function is more social than medical allows physicians of the area to meet, and to treat patients who could be treated on an ambulatory basis if the patients' social situation otherwise allowed. It should include a geriatric ward and an X-ray unit. It may also include a unit of general medicine with between 10 and 15 beds. If it has a maternity ward, very strict medical supervision must be assured.

3.3 Emergency services should be able to handle medical and socio-medical problems of patients wherever and whenever they occur.

Ideally, patients with minor problems from a strictly medical point of view, should be treated on a primary care level; however, it must be accepted that a certain number of these patients will attend the hospital emergency service.

The emergency services of the hospital could be organised in special units. The hospitals can operate these units on a rotation scheme, so that all hospitals are not on continuous duty.

Within a hospital group, there should be a graduation of emergency services. On the higher levels of emergency services a distinction should be made between medical surgical and psychiatric services. At an even higher level further distinction could be made eg between traumatology and abdominal surgery.

In an emergency service the selection of patients ("triage") to be hospitalised should be carried out by an experienced doctor.

3.4 It is important that patients in need of intensive therapy and resuscitation be cared for in departments with specialised technical equipment and highly qualified staff. Planning is accordingly necessary within the hospital group.

3.5 Collaboration and complementarity among the various establishments must be a feature of hospital groups; in particular so far as the patients and health personnel are concerned.

The hospital should be an integral part of the health service and it should consequently maintain close relations with the community health services.

Access to the hospital technical services by practitioners is desirable.

3.6 The composition of the team providing nursing and para-medical care will differ accordingly to types of services. The number and qualifications of this staff vary according to requirements for and resources in such staff in each country.

Training for nursing and para-medical staff should be provided within a system of general training linked to hospitals and medico-social services.

Satisfactory working conditions are essential in order to recruit and keep good staff.

3.7 In each type of hospital a qualified social service should be provided. The social workers - while maintaining professional autonomy - should be integrated into the hospital team.

3.8 The statutes governing university (teaching) hospitals frequently differ from country to country, but the following arrangements should be respected:

- teaching (university) hospitals should be integrated into the regional hospital services;

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- non-teaching hospitals should participate in the clinical training of medical students;
- it is the task of all hospitals to provide continuous education for all health personnel and, wherever appropriate, its specialised training;
- such training may be provided, in part, outside the hospital.

4. Forward studies

More complete statistical studies on the whole range of problems involved will permit definite progress in forecasting hospital planning. In particular, it would be necessary to:

- improve information on the health and hospital systems as a whole;
- develop and amplify, inter alia, epidemiological studies which are clearly inadequate;
- analyse, in their different aspects, the motivations for and the optimal conditions of using medical care establishments and equipment, and introduce a cost-efficacy analysis;
- undertake operational research to determine the optimal size of specialist units;
- undertake, in addition, studies on the qualifications, statutes and roles of the personnel and the desirable levels of staffing.

APPENDIX IX  
(item XX)

RESOLUTION(76)8

on the development of treatment outside hospitals

(adopted by the Committee of Ministers on 18 February 1976  
at the 254th meeting of the Ministers' Deputies)

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve greater unity between its members and that this aim can be pursued, inter alia, by the adoption of common course of action in the public health sector;

Noting that expenditure on health care is increasing rapidly in all countries, and that means must be studied of ensuring better management of health care and economising if possible;

Considering that the main item of expenditure is the care given in hospitals, although not all cases of hospitalisation are equally necessary, nor all expenditure incurred in hospitals equally indispensable;

Recognising that treatment outside hospital would in many cases be beneficial to the psychological and social well-being of the patient,

I. RECOMMENDS the governments of the member States to maintain a proper balance in the planning of public health measures between hospital care and out-of-hospital care, while having constant regard to the effectiveness of the care and to the well-being of the patients.

II. SUGGESTS a number of general guidelines, which are set out in an Appendix to the present Resolution.

III. INVITES the governments of the member States to inform the Secretary General of the Council of Europe every five years of the measures taken by them in the implementation of the present Resolution, in order to enable the European Public Health Committee to follow developments in this sector with a view to its future action.

Appendix to Resolution(76)8A. INTRODUCTION1. Reasons for a redistribution of the care provided in and out of hospital

1.1 In the organisation of a health system, all methods of distribution are interdependent; the personnel, equipment and funds allocated for hospital care are governed by the same considerations as are those allocated for out-of-hospital care. As situations differ greatly from one country to another, the following proposals represent only the broad lines of a reorientation of health policies.

1.2 Some of the reservations which patients once felt with regard to hospitals have disappeared; doctors seek the scientific security of sophisticated equipment and certain administrative and social security rules encourage hospitalisation.

1.3 Thus the number of hospital admissions has increased; among them cases are recorded which are unnecessary or premature or too long; the needless expense entailed is difficult to assess but is certainly considerable. Hospitals are costly, difficult to manage and cause disadvantages to the patients. As few patients as possible should be admitted to them and for as short a time as possible; patients who can receive appropriate treatment out of hospital should not be hospitalised.

2. Aims of an extension of out-of-hospital care

2.1 Easier access to diagnosis and treatment in terms of time and distance, and increased well-being of patients through domiciliary or out-patient care instead of hospitalisation, are the major aims of the proposal.

2.2 An extension of out-of-hospital care may well result in lower costs for the patient and for the community.

3. Prerequisites for out-of-hospital care

3.1 Every effort should be made to ensure that the quality and safety of the treatment and the speed and quality of the care should be as good whether given outside or inside hospital. To this end the competence of the staff and the safety of the equipment must be ensured, if necessary by means of tests and inspections.

B. RECOMMENDATIONS4. Possible medical fields

4.1 As it seems at the moment impossible to classify types of medical care or pathological conditions according to whether they should be provided or treated inside or outside hospital, the decision as to where to treat a patient must be based on the level and intensity of care which he needs.

4.2 Primary care treatment may be considered the best field of action for any system of out-of-hospital care; admission to hospitals when out-of-hospital treatment is possible is needless.

4.3 Experience in several countries shows that complex treatment requiring specialist staff and elaborate equipment can also be dispensed outside hospitals; this sector should be developed as far as possible.

4.4 Of all the population it is old people and children who would particularly benefit from the development of out-of-hospital care, although designed for the benefit of the whole population.

4.5 Out-of-hospital care is influenced by the patient's environment and by his medico-social conditions and it can be given a greater role in primary and secondary prevention than hospital care.

5. Necessary staff

5.1 The general practitioner is the essential figure in any system of out-of-hospital care. Governments are recommended to see that their numbers are maintained or increased, to see that medical undergraduate training is relevant to general practice, to keep their remuneration at a level similar to that of other doctors, to avoid excessive professional constraints and patients' demands on them (for example, by grouping the areas composing their practices), to associate them with research work, and to consider ways of arranging for them to undertake continuing refresher training.

5.2 The specialist should participate in out-of-hospital treatment, and should not be confined to the hospital. For the sake of better management and greater accessibility of treatment, the numbers of specialists in the various disciplines should be planned.

5.3 Nurses are an indispensable part of the system of out-of-hospital care. Particular attention will have to be paid to how they are recruited, trained and employed.

5.4 Staff from other professions are just as necessary to the non-hospitalised patient as medical personnel: social workers, for example.

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5.5 The progressive development of out-of-hospital care should be based on the principle of a health care team and no longer that of a single practitioner. Depending on circumstances, this team will include general practitioners, psychologists, specialists, dentists, midwives, nurses, masseurs, physiotherapists, social workers, secretaries, etc.

5.5.1 The level of competence of the team is all the more important since inadequate professional training leads to unjustified cases of hospitalisation.

5.5.2 Links between teams working inside and outside hospitals have hitherto been too often neglected. Their cohesion will depend on similar basic professional training, inter-changeability of jobs where appropriate and comparable careers.

5.5.3 Exchanges of information on patients should be developed between the hospital and out-of-hospital sectors; in particular duplication of medical investigations should be avoided since such duplication is costly and sometimes dangerous.

## 6. Premises and equipment

6.1 Experience acquired by member countries shows that many types of premises for out-of-hospital treatment have already been tried out with their attendant advantages and disadvantages. They should be extended and new systems explored. Several countries are giving priority to the development of health centres.

6.2 The geographical distribution of the places of treatment should depend on existing installations, and on geographical and demographic factors.

6.3 It is impossible to codify the equipments used in these places, but their rationalisation is necessary: it should allow simple diagnosis with adequate safety, without unnecessarily duplicating hospital equipment.

## 7. Administrative machinery

7.1 Increased emphasis on out-of-hospital care will have legal, administrative and professional implications which must be borne in mind.

7.2 A single regional authority in which all the staff concerned are represented should plan the out-of-hospital treatment and co-ordinate it with hospital treatment.

## 8. Financing arrangements

8.1 As out-of-hospital care is only a part of any health system, provision should be made for it in medical planning; all the usual financing methods can be applied: national, regional, or local authorities, health-insurance bodies, mutual insurance companies, private, voluntary or profit-making organisations, etc. Development of out-of-hospital care will have implications on hospital planning.

8.2 In order to develop out-of-hospital care effectively certain governments will have to consider modifying their public health or insurance regulations which sometimes encourage hospitalisation.

## 9. Role of the public

9.1 The re-organisation of a health system presupposes that the public it serves is thoroughly prepared for it psychologically. Health education should teach them that as most simple forms of treatment can be given outside hospital they should not enter hospital unless it is justified.

## 10. Later studies

10.1 With a view to extending out-of-hospital treatment national and international statistics could be improved by the following studies:

10.1.1 A comparative study of the work of general practitioners and specialists.

10.1.2 A comparative study of the cost of care given inside and outside hospital.

10.1.3 A medical and social epidemiological study of morbidity and mortality on patients treated inside and outside hospital.

10.1.4 A long-term study of chronic illnesses according to the place of treatment.

10.1.5 A study of the consequences for hospitals of the development of out-of hospital care.

10.1.6 Comparable studies in various countries of the length of stay and factors influencing it.

10.1.7 Comparable studies of hospital equipment in different countries and of the present bed/population ratio and possibly study of the criteria to be used by a country to reach an optimal hospital equipment.

APPENDIX X  
(item VII)

DRAFT MEDIUM-TERM PLAN - SECOND READING

Statement by the Secretary General

INTRODUCTION

1. Today the Committee of Ministers begins the second reading of the Medium-Term Plan for the intergovernmental work of the Organisation to 1980. The Council of Europe's first Medium-Term Plan has been hanging over us too long. The materials now exist, not to make a perfect or definitive or completely balanced or absolutely harmonious plan, but a realistic and positive plan whose faults can be progressively remedied. I strongly hope that now, fortified by the numerous pieces of helpful if sometimes conflicting pieces of advice you have received, you will go forward and adopt such a plan in May.
2. At your request I transmitted your draft Plan to the main expert committees for an opinion. Their replies are before you. The CCC was earlier instructed to propose its draft for the missing sectors of the Plan on education and culture by the end of January; this it has done. The Assembly was asked for its opinion; this it adopted at its January session. The timetable imposed great practical difficulties in some cases which were overcome by a strong commitment to seeing the Plan go forward. In particular we should be grateful to the Assembly for adopting on Tuesday 27 January a firm and positive opinion on a text only adopted by the CCC on the previous Friday.
3. The contributions of the Assembly, of the CCC, and of the other expert committees do, of course, raise a large number of small points and some important ones for you to resolve. You may be tempted to say - which would be perfectly accurate - that the expert committees have in some cases gone beyond the questions specifically put to them about the implementation of the Plan and have, relying on their standing terms of reference, proposed amendments to its contents. I would urge you as strongly as I can not to get involved in a discussion on the rights and wrongs of this, but rather to take each contribution on its merits; the first birth of a five years' plan is bound to be a difficult exercise for all concerned. What is uncontested is that these contributions reflect a very positive approach to the common enterprise and that they will help you to improve the draft Plan.

4. I would now like to say a few words about each of these contributions: the opinions of the main committees of experts as a group; the draft of the CCC; and the Opinion of the Consultative Assembly. I shall not repeat the detailed proposals on procedure which have been put to you in the Notes on the Agenda.

#### EXPERT COMMITTEES

5. You will remember the four questions put to the main expert committees on the implementation of the Plan: few of the candidates answered all the questions within the time allowed by the examiners, but I take it your purpose was to provoke the committees into awareness of their task, and this it has certainly done. In the first question you asked them "what activities are envisaged for carrying out each objective, with timetable and priority rating if possible". Only one of the committees has supplied a draft programme of activities up to 1980; but they have all made efforts to relate to the Plan the pieces of work programme for the next year or two. They have thus implicitly proposed priorities in time. Without guidance on the overall resources to be allotted to different sectors it was difficult for them to indicate priorities in resources, or for that matter to draft detailed programmes to 1980. The proposals made for activities do not, in general call for decisions on your part in the context of the Plan. On examining each sector you will no doubt be able to set aside many proposals for consideration with the draft programme I will submit for 1977; other points of more general importance may need to be considered soon after the Plan's adoption. Several committees have, of course, argued special cases for the claims of their own sectors for financial resources, but this is unlikely to be very helpful to you in laying down the relative shares of the cake as required by paragraph 13 of Resolution(74)33.

6. The committees were also asked by your second question what practical results they expected from the activities they were invited to propose. On the whole the committees have tried to indicate what the output of activities will be: convention, resolution, or report. This does not call for any general decision by you at this stage, but for particular decisions when you come to discuss the draft annual programme for 1977 I shall put forward later this year.

7. The third question invited the committees to say "what changes if any are proposed to ensure the proper management of the sector(s) concerned, and in particular what arrangements will be necessary for co-ordination with other expert committees in the case of multidisciplinary objectives". The committees have not proposed any radical changes, but have generally expressed willingness to co-operate with each other on an ad hoc basis for particular objectives or activities. The transmission of the whole Plan to each committee was, I am sure, very helpful, in securing a co-operative rather than a competitive attitude.

Appendix X

8. You should consider what procedure to follow in deciding on questions of co-ordination. The allocation of objectives to committees is not part of the Plan itself, and in any case the committee structure is under review. The co-ordination of activities - joint working parties, consultation on draft resolutions, etc - is essentially my responsibility both in the preparation and the implementation of the annual work programme.

9. Your final question was an invitation to consider the system of Partial Agreements to carry out objectives of interest to not all member States. It is significant that no committee suggested this: that is to say, they thought all the objectives were shared by all member States. They were not in a position to forecast the political or financial difficulties that could emerge in the implementation of an objective and that could make it necessary to consider the solution of a Partial Agreement at a later stage.

CCC

10. I now turn to the draft sectors submitted by the CCC. Your examination in detail of this text cannot, of course, take place at this meeting. Meanwhile you have to decide on the CCC's request for its Chairman and Vice-Chairman to present the draft to you in person. In the special circumstances of this case I think you might agree to this request. Apart from the contents of particular objectives, there is one important general issue raised by the CCC text.

11. This arises from the Assembly's opinion that the three sectors, while retaining the same detailed objectives and sub-objectives, should be recast under three more politically expressed main objectives: consciousness of European cultural identity, democratisation of culture, and development of European culture. You will see from the letter from the Chairman of the CCC introducing its proposals that this new point was put to the CCC by the Assembly's representatives and that the CCC took account of it in the text submitted. Your essential task is to judge the merits of the text prepared by the CCC after long and difficult discussions. I would emphasise that this text is the only real proposal before you, and it is in general an acceptable one. The comments of the Assembly can be borne in mind for the first revision of the Plan.

ASSEMBLY

12. I turn last to Opinion 74 of the Assembly, not because it is the least important but because it should be read in the light of the other contributions. The Opinion is, as you will have realised, a very helpful and constructive one. I suggest that the comments on particular sectors should be taken along with the opinions of the expert committees when you review the text of the Plan in detail; the general points made in the first part of the Opinion deserve however

a separate examination. I will want to comment later on the particular points made and will now only mention one matter of particular importance which requires a procedural decision now.

13. It is indeed clear that the Plan should be headed by a general policy statement. This should in my view be separate from the historical introduction and explanation of method, which could if necessary be appended to the Plan under my responsibility. For the policy statement, it would be helpful if you could have a "tour de table" at this meeting on some of the political points of the Assembly's Opinion.

14. The Assembly also stresses the importance of priorities and requests a "budgetisation" of the Plan as well as the programme: I should like to make one or two remarks as a contribution to your discussion on these points.

The concern expressed in paragraphs 13, 15 and 24 of the Opinion is to be welcomed, but these are complex questions to which there are no easy answers.

15. The selection of objectives for the Plan, and of activities for the annual work programme, already implies a set of priority choices to bring the potential action of the Organisation within its straitened means. What is required, in my view, is a pragmatic strategy of progressive development and improvement of the system outlined in Resolution(74)33 for the management of the work programme.

The undertaking you have made in paragraph 13 of Resolution(74)33 to "specify priorities at the level of the Medium-Term Plan by indicating the relative scale of resources to be allocated to the different field and sectors" should be seen in this light. (The figures for 1976 have been circulated in CM(75)170 revised.) If this task proves too difficult for the four remaining years of the Plan, it would be worthwhile carrying it out for one or two years only, or indicate high and low growth sectors purely qualitatively.

16. A parallel effort should I think be devoted to putting on paper at least a crude indicative growth rate for the work programme part of the budget, for at least the next two years. This would be a minimum guarantee of continuity in the programming of activities and is an important complement to the exercise on relative shares; indeed it is a precondition for my being able to give you any sensible advice on the latter. I am aware that such a figure could not be absolutely binding, but it would be public and thus reasonably difficult to change; and it would be quite consistent with national systems for the management of public expenditure.

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17. The third avenue to be explored is the possibility of applying planning techniques such as forecasting and systematic evaluation. While these things are useful you should bear in mind that they are fairly costly in time and expertise and would probably require a transfer of staff from operational work - already terribly strained - to service functions, a cost against which the possible but by no means certain gains should be carefully weighed.

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18. I apologise for making such a lengthy statement but the Medium-Term Plan is of great importance to the future of the Council of Europe, and I trust that your discussions will be fruitful.

APPENDIX XI  
(item XXVIII(d))

NOTE VERBALE

by the Permanent Representative of the  
Federal Republic of Germany, dated  
29 January 1976

15th European Art Exhibition organised by the  
Government of the Federal Republic of Germany  
and the Berlin Senate under the auspices  
of the Council of Europe

The Permanent Representative of the Federal Republic of Germany to the Council of Europe presents its compliments to the Council of Europe Secretariat and has the honour to draw its attention to the 29th Session of the Council for Cultural Co-operation, held in Strasbourg from 19-23 January 1976.

Item 12(a) of the session agenda (Other business) related to the 15th European Art Exhibition, which is to be held in Berlin from August to October 1977. The discussion on this item involved the question of replacing the subject originally chosen, "Popular art and industrialisation", by "International style - European trends in the twenties". The CCC agreed to this change. The full report of the session - apart from the proposals concerning the Medium-Term Plan - will not be submitted to the Committee of Ministers for another few months. In view of the short time available for preparing the exhibition, however, the Berlin organisers would like a decision to be taken as soon as possible. The funds earmarked for the exhibition will not be made available until the Committee of Ministers has taken a formal decision in its favour.

The Permanent Representation of the Federal Republic of Germany therefore requests that this part of the report of the CCC's 29th Session be placed on the agenda for the 254th meeting of the Ministers' Deputies (February 1976) under "Other business". The Deputies could then approve the CCC's plan to hold the 15th European Art Exhibition in Berlin from August to October 1977 on the subject "International style - European trends in the twenties". It might be desirable for the Secretariat to produce a paper on the matter as soon as possible.

The Permanent Representation of the Federal Republic of Germany to the Council of Europe avails itself of this opportunity to renew to the Council of Europe Secretariat the expression of its highest consideration.

Strasbourg, 29 January 1976

