

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

COMMITTEE OF MINISTERS

Strasbourg, 22 November 1974

Restricted
CM (74) 261 rev.

READMISSION OF GREECE TO THE COUNCIL OF EUROPE

Report by the Secretary General in pursuance of Resolution (74) 32

1. In Resolution (74) 32, the Committee of Ministers instructed the Secretary General:

"to contact the Greek authorities for the purpose of determining the practical arrangements for Greece's readmission and to submit at its next meeting at Deputy level a report on this subject including a draft of the invitation provided for in Articles 4 and 5 of the Statute".
2. Talks were accordingly held with Ambassador Cambalouris in Strasbourg and with Ambassador Petropoulos in Athens, the Secretary General being represented by Mr H Golsong, Director of Legal Affairs, and Mrs M Buquicchio of the Secretary General's Private Office.

3. The following points emerged from these discussions.

Number of seats in the Consultative Assembly

4. Both sides agreed on the number of seven seats. This is the same number as Greece was entitled to before 1970.

The Assembly has yet to state its views on this subject before specific reference can be made to this number of seats in the resolution inviting Greece to rejoin the Council. The Secretary General will then prepare the certificate of amendment to Article 26 of the Statute, in accordance with Article 41 (d) of the Statute.

Financial questions

5. Greece's contribution to the Council's general budget, calculated according to Resolution (74) 25, will be 2.33%.

The contribution in respect of the new buildings, calculated according to Resolution (71) 1, will be 1.47%.

Greece's percentage contribution to the Working Capital Fund will be the same as for the general budget, viz 2.33%.

Greece's contribution to the Budget of the Partial Agreement on the Resettlement Fund will be 4.12% (Appendix V to Resolution (74) 25), ie the same as the proportion paid by Greece since 1 January 1974.

6. The above obligations in respect of contributions will take effect from 1 January 1975.
7. As from the same date, Greece will cease to be liable for the separate contribution it has hitherto paid to the Cultural Fund as a non-member of the Council of Europe taking part in activities under the Cultural Convention (in 1974 Greece contributed 74,400 FF).
8. The Secretary General's representatives expressed the hope that Greece would join the European Youth Foundation, which was set up by unanimous decision of the Committee of Ministers in 1972 (Resolution (72) 17). The representatives of the Greek Government said they would investigate this matter with a view to reaching a final decision by the end of 1974. In this connection, the figure of 50,000 FF was mentioned as a lump-sum contribution for 1975.
9. Greece still owes a sum of 470,370 FF in respect of her contribution to the general budget of the Council of Europe for 1970 (see doc. CM (71) 97).

In addition, the file on "the Cultural Centre at Delphi" should be settled immediately after the re-admission of Greece to the Council of Europe.
10. The Secretary General will notify the Greek Government by 28 November 1974, pending the adoption of the budget in December 1974, of the approximate amount of contribution to be paid in 1975. A draft letter for this purpose is attached (Appendix I).

Instruments of invitation and accession

11. The invitation to be issued to Greece by the Committee of Ministers under Article 4 of the Statute has to specify the number of seats in the Consultative Assembly to which Greece is entitled as a new Member, and give particulars of its financial contribution (cf Article 6 of the Statute).

In order to maintain a suitable balance between the political and administrative aspects of the Resolution inviting Greece to rejoin the Council, the percentage of its various contributions might conveniently be set forth in an appendix to that Resolution.

The text of this Appendix could also embody the amendment of Resolution (74) 25 (New general scales) and Resolution (71) 1 (New buildings scales), so as to include the necessary references to Greece.

The draft Resolution of invitation should also refer to the Resolutions adopted by the Committee of Ministers on 20 September and 22 October 1974 (Resolutions (74) 27 and (74) 32).

A draft Resolution prepared according to these criteria is attached (Appendix II).

12. On receipt of the invitation from the Committee of Ministers, the Greek Government will deposit with the Secretary General an instrument of accession to the Statute, following as closely as possible the text of the 1949 instrument.

European Convention on Human Rights

13. Greece envisages becoming once again a Contracting Party to the Human Rights Convention as from the date of its readmission to the Council.

For this purpose, the Minister for Foreign Affairs will sign the instruments not yet signed by Greece, viz Protocol No. 5, which amends the Convention, and Protocol No. 2, which supplements it.

A single instrument of ratification will be deposited, covering the Convention as amended or supplemented by Protocols Nos 3, 5 and 2 as well as the 1952 Protocol.

The Greek Government will give consideration in due course to its position with regard to Protocol No. 4 and to the optional declarations provided for in Articles 25 and 46 of the Convention.

9 Convention on Establishment

14. In implementation of the suggestions made in para. 9 (b) of CM (74) 234, the Greek Foreign Minister will write a letter to the Secretary General of the Council of Europe (see draft at Appendix III), to be handed over after deposit of the instrument of accession to the Statute.

General Agreement on Privileges and Immunities

15. For the reasons explained in para. 10 of CM (74) 234, letters will be exchanged between the Secretary General and the Greek Minister on the day of Greece's readmission. Drafts of the 2 letters are attached (Appendix IV (a) and (b)).

Applications pending before the Committee of Ministers and the Commission of Human Rights

16. The Greek Government is anxious that files relating to the two cases still pending before the Committee of Ministers (Applications Nos 3321/67, 3322/67, 3323/67 and 3344/67 - First Greek Case -) and before the Commission of Human Rights (Application No. 4480/70 - Second Greek Case -) should be closed as soon as possible. The Secretary General shares this view.

The Secretariat accordingly proposes that the Committee of Ministers:

- i. adopt, at the Deputies' 238th meeting, the draft Resolution set out at Appendix V;
- ii. instruct the Secretary General to send the President of the Commission thereafter the letter of which a draft appears at Appendix VI.

Ceremony of deposit of the instrument of accession

17. Having been informed by the Secretary General's representatives of the probable agenda for the 55th session of the Committee of Ministers, the Greek authorities very much hope that Greece may be readmitted at the very beginning of that session, so that the Greek Minister can participate fully in the discussion of the many items affecting the Council's future action.

18. The deposit of the instrument of accession and accompanying texts should take place at a time fixed in advance.

19. The instrument will be deposited with the Secretary General in a different room from that used for the Committee of Ministers meeting.

It will be followed by a brief ceremony with addresses by the Secretary General, the Chairman of the Committee of Ministers, the President of the Consultative Assembly and the Greek Minister for Foreign Affairs (in that order).

The other members of the Committee of Ministers and of the Bureau of the Assembly will be invited to attend the ceremony. The press will be admitted, but there will be no press conference, so as not to delay unduly the resumption of work by the Committee of Ministers, then completed by the Greek delegation. When the session is resumed, each of the other delegations will be able to speak before the completion of the item dealing with Greece's readmission. The Greek Minister wishes to speak last.

Additional information

20. The Secretary General will, in due course, send the Greek authorities particulars of the Youth Foundation, the various expert and other committees to which Greece may appoint delegates or representatives and the procedure for the election, in respect of Greece, of a Judge of the Court and a member of the Commission of Human Rights.

Draft letter

A P P E N D I X I

Re. Financial contributions

Letter from the Secretary General of the
Council of Europe to Ambassador Cambalouris,
Representative in Strasbourg of the Greek
Minister for Foreign Affairs
(Translation from the French)

Your Excellency,

I have the honour to refer to the talks you had
with Mr. H. Golsong, Director of Legal Affairs of the
Secretariat General of the Council of Europe, concerning
arrangements for Greece's re-admission to the Council of
Europe on 28 November 1974.

The contributions payable by Greece in 1975,
subject, of course, to the total amount that will be
adopted in December 1974 for the budget of 1975 of the
Organisation will be approximately as follows, expressed
in French francs:

-	Contribution to the general budget at 2.33% (Resolution (74) 25, copy attached). This includes the contribution you have hitherto made separately to the Cultural Fund in 1974 of 74,400	2,370,000
-	Share of repayment charges on the loan for the "new buildings" at 1.47% (Resolution (71) 1, copy attached).	121,260
-	Contribution to the Working Capital Fund at 2.33% (single payment) (Resolution (74) 25)	139,800
-	Contribution to the Budget of the Partial Agreement on the Resettlement Fund (Resolution (74) 25, Appendix V)	26,000
		<hr/> 2,657,060 <hr/>

It is understood that the above contributions will be
paid under the conditions specified in Part II of the
Financial Regulations with special reference to Article 12.

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There remains, in addition, a sum of 470,370FF outstanding in respect of Greece's contribution to the 1970 budget.

Furthermore, if Greece decides, as I hope it will, to join the European Youth Foundation, a lump sum of 50,000FF might be envisaged for 1975.

Please accept, Your Excellency,

A P P E N D I X II

Resolution (74) ...

(adopted by the Committee of Ministers on
28 November 1974)

Invitation to Greece to rejoin the Council of Europe

The Committee of Ministers,

CONSIDERING the wish expressed by Greece to resume membership of the Council of Europe,

RECALLING its Resolutions (74) 27 and (74) 32,

OBSERVING that Greece now again complies with the conditions laid down in Article 4 of the Statute,

HAVING, in accordance with the provisions of Statutory Resolution (51) 30, consulted the Consultative Assembly, which has expressed a favourable opinion (Opinion No. ...),

RESOLVES:

- i. to invite Greece to rejoin the Council of Europe and to re-accede to the Statute,
- ii. to fix the number of Greece's representatives in the Consultative Assembly at seven;
- iii. to determine Greece's various contributions to the Council of Europe, as from 1 January 1975, according to the appended table, which forms an integral part of this Resolution,

INSTRUCTS the Secretary General to notify the Greek Government of these decisions and to make all necessary arrangements for their implementation.

ANNEX TO APPENDIX II

1. The Committee of Ministers, in accordance with Resolution (74) 25, fixes the proportion of Greece's contribution to the General Budget and Working Capital Fund of the Council of Europe at 2.33%; Appendices I, II and V to Resolution (74) 25 are hereby amended accordingly.

2. The Committee of Ministers, in accordance with Resolution (71) 1, fixes the proportion of Greece's contribution to repayment of the loan for the new Council of Europe buildings at 1.47%; the Appendix to Resolution (71) 1 is hereby amended accordingly.

A P P E N D I X I I I

28 November 1974

Convention on Establishment

Letter from the Greek Minister for Foreign Affairs to
the Secretary General of the Council of Europe.

(Translation from French)

Sir,

I have the honour to refer to the European Convention
on Establishment of 1955.

Greece ratified this Convention on 2 March 1965 but,
under Article 33,3, ceased to be a Contracting Party on
31 December 1970, the date from which its denunciation of
the Statute of the Council of Europe took effect.

Greece has today re-acceded to the Statute of the
Council of Europe. I accordingly declare, on behalf of my
Government, that Greece considers itself bound again, as from
today, by the said Convention on the same terms as governed
its status of Contracting Party prior to 31 December 1970.

Please accept , Sir

A P P E N D I X IV (a)

General Agreement on Privileges and Immunities

Letter from the Secretary General to the Greek
Minister for Foreign Affairs

(Translation from French)

Your Excellency,

I have the honour to refer to:

- i. the General Agreement on Privileges and Immunities of the Council of Europe, of 1949,
- ii. the Protocol of 6 November 1952,
- iii. the Second Protocol of 15 December 1956,
- iv. the Third Protocol of 6 March 1959,
- v. the Fourth Protocol of 16 December 1961.

Prior to its denunciation of the Statute of the Council of Europe by Note Verbale of 12 December 1969, Greece had successively ratified each of the instruments mentioned above.

Greece has today re-acceded to the Statute of the Council of Europe and should accordingly be regarded as having fully resumed the status of Contracting Party to those instruments.

I should be grateful if you would let me know whether this view is shared by the Greek Government.

Please accept,

A P P E N D I X IV (c)

28 November 1974

General Agreement on Privileges and Immunities

Letter from the Greek Minister for Foreign Affairs to
the Secretary General (in reply to the Secretary
General's letter

(Translation from French)

Sir,

I have the honour to refer to your letter of
28 November 1974, worded as follows:

"I have the honour to refer to:

- i. the General Agreement on Privileges and Immunities
of the Council of Europe, of 1949,
- ii. the Protocol of 6 November 1952,
- iii. the Second Protocol of 15 December 1956,
- iv. the Third Protocol of 6 March 1959,
- v. the Fourth Protocol of 16 December 1961.

Prior to its denunciation of the Statute of the Council
of Europe by Note Verbale of 12 December 1969, Greece had
successively ratified each of the instruments mentioned above.

Greece has today re-acceded to the Statute of the Council
of Europe and should accordingly be regarded as having fully
resumed the status of Contracting Party to those instruments.

I should be grateful if you would let me know whether
this view is shared by the Greek Government."

I have pleasure in confirming that the point of view
expounded in your letter, as quoted above, is shared by the
Greek Government.

Please accept,

A P P E N D I X V

Applications Nos 3321/67
3322/67
3323/67
3344/67

Draft Resolution DH (74) ...

The Committee of Ministers,

CONSIDERING Article 32 of the Convention for the
Protection of Human Rights and Fundamental Freedoms,

CONSIDERING its Resolution DH (70) 1, adopted on
15 April 1970,

HAVING REGARD to the fundamental change in circumstances
which has since occurred in Greece,

CONSIDERING that it is not appropriate to continue the
examination envisaged in para 25 of the above-mentioned
Resolution,

DECLARES the applications obsolete.

A P P E N D I X VI

Application No 4448/70

Letter from the Secretary General of the Council of
Europe to the President of the European Commission of
Human Rights

Sir,

I have the honour to refer to Application No 4448/70, against Greece, lodged with the European Commission of Human Rights on 10 April 1970 and to the Commission's report to the Committee of Ministers of 5 October 1970 on "the present state of proceedings".

In view of the fundamental change of circumstances that has recently occurred in Greece - as illustrated by the procedure which has already been initiated for Greece's readmission to the Council of Europe - the Committee of Ministers considers, so far as it is concerned, the case obsolete. It remains for the Commission, however, to take the necessary steps in accordance with the functions assigned to it.

I would add, for your guidance, that the First Greek Case (Applications Nos 3321/67, 3322/67, 3323/67 and 3344/67), which was still pending before the Committee of Ministers, has been finally declared by the latter to be obsolete (Resolution DH (74) ... a copy of which is attached).

Please accept, Sir,

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