

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

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 (Doc. CM (75) 156) ;

Having regard to the report of the working party and of the Secretariat (Doc. CM (75) 309) ;

In pursuance of Articles 16 and 17 of the Statute,

Resolves as follows :

I. Scope of this resolution

Scope

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 of Europe 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, secretarial 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

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 paragraph 29). This list shall be subject to approval and amendment by the Committee of Ministers.

II. Committee structures

Types of committees

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.

Observers

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.
 - 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 1 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, i.e. 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.
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 of 16 November 1959 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 21 October 1959,¹
- 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.

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.

1. See Doc. CM/Del/Concl. (78) 286, item II.

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.¹
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

Entry into force

38. Sections I and V and Appendix 1 (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.

1. "The mere holding of seminars and colloquia in other towns rather than in Strasbourg could not be considered as a sufficient reason to justify derogations from Article 34 of Resolution (76) 3 to enable steering committees, their bureaux or other committees to meet in the same place." (See Doc. CM/Del/Concl. (78) 290, Appendix XVI.)

APPENDIX 1
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.
- 2.¹ To ensure that every activity in the annual programme of activities results in :
 - the preparation of a draft convention or agreement
 - and/or
 - the preparation of a draft resolution containing recommendations to member governments within the meaning of Article 15.b of the Statute
 - and/or
 - an exchange of views
 - and 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.²
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.
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,³ in which case the latter indicates the period for which such authorisation is given.

The meeting report shall contain :

 - i. a brief foreword (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.

1. See Document CM (75) 10, 2nd revision, on this subject.

2. The terms of reference of a working party can be valid only until the meeting following that during which they were established (see Doc. CM/Del/Concl. (77) 271, item VI.e, decision i).

3. 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.”

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 ;
- 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 a 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.

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.

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

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 — Postponement 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. It shall then vote on the next furthest removed 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.
- 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 a two thirds majority of the 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.

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.