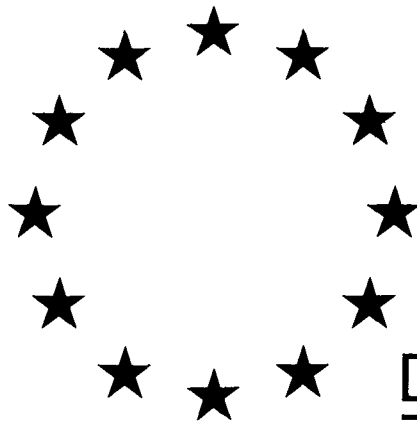


COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

COMMITTEE OF MINISTERS

CONFIDENTIAL
CM/Del/Dec/Act (94)518



CMACT073

Ministers' Deputies

518th meeting
Decisions adopted
and Records

held in Strasbourg from 10 to 13 October 1994

COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

Committee of Ministers
Comité des Ministres

Strasbourg, 19 October 1994

RESTRICTED
CM/Del/Dec(94)518

518th MEETING OF THE MINISTERS' DEPUTIES

(held in Strasbourg from 10 to 13 October 1994)

518th
DECISIONS ADOPTED

There is no decision for the following items:

2.1.b, 2.2, 3.1.a, 3.1.c, 4.1.a, 4.2, 9.2.

SUMMARY

	<u>Page</u>
List of those present	1
1. <u>General Questions</u>	
1.1 Adoption of the Agenda and of the Order of Business	5
1.2 Preparation of the next meeting at DH level	5
1.3 Communication from the Secretary General	6
1.4 Conferences of Specialised Ministers - State of preparation	6
1.5 European Youth Campaign against racism, xenophobia, antisemitism, and intolerance	7
1.6 Committee of Ministers - Preparation of the 95th Session (Strasbourg, 10 November 1994)	7
2. <u>Political Questions</u>	
2.1 Current political questions -	
a. Relations with countries of Central and Eastern Europe	8
b. Other questions	-
2.2 Situation in Cyprus	-
2.3 Compliance with commitments accepted by member States of the Council of Europe	10
2.4 Relations between the Council of Europe and the CSCE	10

3.	<u>Parliamentary Assembly</u>	
3.1	Parliamentary Assembly	
	a.	Statement by the Clerk on the fourth part of the 1994 Session (3-7 October 1994) and on other Assembly activities -
	b.	Texts adopted at the fourth part of the 1994 Session 11
	c.	Parliamentary questions for oral reply by the Chairman of the Committee of Ministers at the fourth part of the 1994 Session -
3.2	Accession of the Principality of Andorra to the Council of Europe - Opinion No. 182 (1994) of the Parliamentary Assembly	13
4.	<u>Human Rights</u>	
4.1	European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT)	
	a.	Hearing of the President (13 October 1994) -
	b.	4th general activity report (1 January to 31 December 1993) 13
4.2	Ad hoc Committee for the Protection of National Minorities (CAHMIN) - Abridged Report of the 6th meeting (Strasbourg, 12-16 September 1994)	-
4.3	Minority Rights in Greece - Written question No. 357 by Mr. Güner	14
 <u>Application of Article 54</u> <u>of the European Convention on Human Rights</u> 		
H54-1	Judgment of the European Court of Human Rights in the case of Demicoli against Malta	14

6. Social and Economic Questions

6.1 Steering Committee on Social Policy (CDPS)

- a. Abridged report of the 12th meeting
(Strasbourg, 5-8 July 1994) 15
- b. Draft Recommendation No. R (94)... on elderly people 15

6.2 European Health Committee (CDSP)

- a. Abridged report of the 35th meeting
(Strasbourg, 28-30 June 1994) 16
- b. Draft Recommendation No. R(94)...
on early pharmacological
intervention against HIV-infection 16
- c. Draft Recommendation No. R(94)...
on screening as a tool of preventive medicine 17

6.3 Committee on the Rehabilitation and Integration of
People with disabilities (CD-P-RR) - Abridged report
of the 17th Session (Madrid, 7-10 June 1994) 17

6.4 Public Health Committee (Partial Agreement) (CD-P-SP)

- a. Abridged report of the 53rd Session
(Strasbourg, 30 June 1994) 18
- b. Draft Resolution AP(94)...
on the rational use of medicines 19
- c. Opening of a special account 19

8. Youth

8.1 Annual report of the European Youth Centre (EYC)
and of the European Youth Foundation (EYF) for 1993 20

9.	<u>Environment and Local Authorities</u>	
9.2	Congress of Local and Regional Authorities of Europe (CLRAE) - Hearing of the President of the Congress (12 October 1994)	-
9.3	Congress of Local and Regional Authorities of Europe (CLRAE) - Texts adopted at the 1st Session (Strasbourg, 31 May - 3 June 1994)	20
9.4	The situation of regional and minority languages in Europe - Publication of additional contributions	29
10.	<u>Legal questions</u>	
10.1	Steering Committee on Bioethics (CDBI)	
	a. Abridged report of the 6th meeting (Strasbourg, 27 June - 1 July 1994)	30
	b. Request for derogation from Rule 34 of Resolution (76) 3	31
10.2	European Committee on Legal Co-operation (CDCJ) - Draft Recommendation No. R (94)... on the independence, efficiency and role of judges	31
11.	<u>Administrative questions</u>	
11.1	Annual adjustment of remuneration of the staff of the Co-ordinated Organisations at 1 January 1994 - Report of the Co-ordinating Committee on Remunerations (CCR)	32
11.2	General Accounts of the Council of Europe for the 1993 financial year - Report of the Board of Auditors and comments of the Secretary General on the Board of Auditors' report	
	a. Accounts of the General Budget (Ordinary Budget, Subsidiary Budget of the European Youth Centre, Subsidiary Budget for Publications, Extraordinary Budget, Pensions Budget)	34

b.	Accounts of the following Partial Agreements: (Partial Agreement in the Social and Public Health Field, European Pharmacopoeia, Subsidiary Budget of the European Pharmacopoeia, Extraordinary Budget of the European Pharmacopoeia, Partial Agreement on the Social Development Fund (Resettlement Fund), Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group), Co-operation Group for the prevention of, protection against, and organisation of relief in major natural and technological disasters, Partial Agreement on the European Commission for Democracy through Law, Partial Agreement on the Youth Card	34
11.3	Accounts of the Partial Agreement on the European Support Fund for the Co-production and Distribution of Creative Cinematographic and Audio-visual Works "Eurimages" for the 1993 financial year	35
11.4	Accounts of the Cultural Fund for the 1993 financial year	35
11.5	Accounts of the Sports Fund for the 1993 financial year	36
11.6	1994 budgetary situation	36
11.7	Membership of the Budget Committee - Replacement of the member in respect of France and of the alternate member of Italy for the period ending on 31 December 1995	37
11.8	Monaco's financial contributions to the Cultural Fund and to the Sports Fund	37

APPENDICES

APPENDIX 1	518th MEETING OF THE MINISTERS' DEPUTIES (Strasbourg, 10 (3pm) - 11 October 1994 - B level) AGENDA	a1
APPENDIX 2	519th MEETING OF THE MINISTERS' DEPUTIES (Strasbourg, 11 (3pm) - 13 October 1994 - A level) AGENDA	a5
APPENDIX 3 (item 1.2)	521st MEETING OF THE MINISTERS' DEPUTIES (Strasbourg, 21 (3pm) - 22 November 1994 - B level) AGENDA	a11
APPENDIX 4 (item 1.2)	521st MEETING OF THE MINISTERS' DEPUTIES (Strasbourg, 22 (3pm) - 25 November 1994 - A level) AGENDA	a15

APPENDIX 5 (item 1.2)	SCHEDULE OF MEETINGS FOR 1995	A19
APPENDIX 6 (item 1.2)	SCHEDULE OF MEETINGS of the open-ended ad hoc Working Group to continue examining reforms of the aims and procedures of the Intergovernmental Programme of Activities and of sectoral Rapporteur Groups	a21
APPENDIX 7 (item 1.6)	PRELIMINARY DRAFT PROGRAMME OF THE 95th SESSION OF THE COMMITTEE OF MINISTERS (Strasbourg, 10 November 1994)	a23
APPENDIX 8 (item 3.1.b)	DECISION No. CM/605/131094 Ad hoc terms of reference (CDDH)	a25
APPENDIX 9 (item 3.1.b)	DECISION No. CM/606/131094 Ad hoc terms of reference (CDPC)	a27
APPENDIX 10 (item 3.1.b)	DECISION No. CM/607/131094 Ad hoc terms of reference (CDCC)	a29
APPENDIX 11 (item 3.2)	RESOLUTION (94) 26 Invitation to the Principality of Andorra to become a member of the Council of Europe	a31
APPENDIX 12 (item 6.1.b)	RECOMMENDATION No. R (94) 9 of the Committee of Ministers to member States concerning elderly people	a33
APPENDIX 13 (item 6.2.b)	RECOMMENDATION No. R (94) 10 on early pharmacological intervention against HIV infection	a39
APPENDIX 14 (item 6.2.c)	RECOMMENDATION No. R (94) 11 on screening as a tool of preventive medicine	a43
APPENDIX 15 (item 6.4.b)	RESOLUTION AP (94) 1 on the rational use of medicines	a53
APPENDIX 16 (item 9.3)	DECISION No. CM/603/101094 Ad hoc terms of reference (CDLR)	a59
APPENDIX 17 (item 9.3)	DECISION No. CM/604/101094 Ad hoc terms of reference (CDSS)	a61
APPENDIX 18 (item 10.2)	RECOMMENDATION No. R (94) 12 of the Committee of Ministers to member States on the independence, efficiency and role of judges	a63

APPENDIX 19 (item 11.1)	RESOLUTION (94) 27 on the revision of the Regulations governing staff salaries and allowances	a71
APPENDIX 20 (item 11.1)	RESOLUTION (94) 28 on the remuneration of specially appointed officials	a73
APPENDIX 21 (item 11.3)	RESOLUTION (94) 29 on the Accounts of the Partial Agreement of the European Support Fund for the co-production and distribution of creative cinematographic and audio-visual works ('Eurimages')	a75
APPENDIX 22 (item 11.5)	RESOLUTION (94) 30 concerning the Sports Fund Accounts for the financial year 1993	a77

GERMANY	Mr Mr	H. P.	Schirmer Schönberg
GREECE	Mr Mr Mrs	A. G. V.	Exarchos Coptsidis Dicopoulou
HUNGARY	Mr Mrs	C. J.	Györffy Jozsef
ICELAND	Mr	S.H.	Gunnlaugsson
IRELAND	Mrs Mr	G. A.	Skinner Kirwan
ITALY	Mr	D.	Vecchioni
LIECHTENSTEIN	Mr Mrs	J. C.	Wolf Stehrenberger
LITHUANIA	Mr	A.	Taurantas
LUXEMBOURG	Mrs	A.	Conzemius-Paccoud
MALTA	Mr Mr	N. Ch.	Buttigieg Scicluna Cremona
NETHERLANDS	Mr Mr	J.S.L. K.	Gualtherie Van Weezel Van Spronsen
NORWAY	Mr Mlle.	S. I.	Knudsen Stuhaug
POLAND	Mr Mr	J. T.	Wereszczynski Oleszkiewicz
PORTUGAL	Mr Mr Mr	G.A. A. C.M.	de Santa Clara Gomes Russo Dias Veloso da Costa
ROMANIA	Mr Mr Mr	N. C. L.	Micu Alecse Ion

518th meeting - October 1994

The 518th meeting of the Ministers' Deputies opened at B level on 10 October 1994 at 3 pm under the chairmanship of Mr. A. Papadopoulos, Deputy for the Minister for Foreign Affairs of Cyprus. It continued at A level on 11 October 1994 at 3 pm under the chairmanship of Mr. S. Raev, Deputy for the Minister for Foreign Affairs of Bulgaria.

PRESENT

AUSTRIA	Mr	H.	Winkler
	Mr	A.	Längle
	Mr	R.	Stürm
BELGIUM	Mr	T.L.R.	Lansloot
	Mr	P.	Dubuisson
BULGARIA	Mr	S.	Raev <u>Chairman</u>
	Mr	Y.	Chterk
	Mr	L.	Ivanov
	Mrs	K.	Todorova
CYPRUS	Mr	A.N.	Papadopoulos <u>Vice-Chairman</u>
	Mr	C.	Miltiades
CZECH REPUBLIC	Mr	J.	Malenovský
	Mr	J.	Svoboda
	Mr	J.	Čapek
DENMARK	Mrs	M-L.	Overvad
	Mr	J.	Faerkel
ESTONIA	Mr	T.	Miller
FINLAND	Mr	T.	Grönberg
	Mrs	T.	Jortikka-Laitinen
	Mrs	T.	Turunen
FRANCE	Mr	M.	Lennuyeux-Comnene
	Mrs	D.	de Boisjolly-Hoyet
	Mrs	J.	Caballero-Kolbenstetter
	Mr	V.	Muller

SAN MARINO	Mr	G.N.	Filippi Balestra
	Mr	G.	Ceccoli
	Miss	M.	Faetanini
SLOVAKIA	Mrs	V.	Strážnická
	Mr	J.	Sikra
	Miss	B.	Illkova
SLOVENIA	Mr	M.	Pogačnik
SPAIN	Mr	E.	Artacho Castellano
	Mrs	M.	Vilardell
	Mr	M.	Hernandez Ruigomez
SWEDEN	Mr	H.	Amnéus
	Mr	C.	Älfvåg
	Mrs	A.K.	Eneström
SWITZERLAND	Mr	Y.	Moret
	Mr	H.	Gattiker
TURKEY	Mr	I.	Birsel
	Mr	O.	Demiralp
	Mr	A.	Meriç
	Mr	H.	Ulusoy
	Mrs	D.	Akçay
	Mr	C.	Fişek
UNITED KINGDOM	Mr	R.	Beetham
	Mrs	H.	Taylor
	Miss	A.	Power

1.1

ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS

Decisions

The Deputies

1. adopted the agenda for their 518th meeting (10 (3pm) October 1994 - B level), as it appears at Appendix 1 to the present volume of Decisions;
2. adopted the agenda for their 518th meeting (11 (3pm) - 13 October 1994 - A level), as it appears at Appendix 2 to the present volume of Decisions.

1.2

PREPARATION OF FORTHCOMING MEETINGS

Decisions

The Deputies

1. approved the draft agenda for their 521st meeting - B level, (21 (3pm) - 22 November 1994), as it appears at Appendix 3 to the present volume of Decisions;
2. approved the draft agenda for their 521st meeting - A level (22 (3pm) - 25 November 1994), as it appears at Appendix 4 to the present volume of Decisions;
3. adopted the schedule of meetings for 1995, as it appears at Appendix 5 to the present volume of Decisions;
4. took note of the schedule of meetings of the open-ended ad hoc Working Group to continue examining reforms of the aims and procedures of the Intergovernmental Programme of Activities and of the sectoral Rapporteur Groups as it appears at Appendix 6 to the present volume of Decisions.

518th meeting - October 1994

Item 1.3

1.3

COMMUNICATION FROM THE SECRETARY GENERAL

Decision

The Deputies authorised the Secretary General to open a Special Account to which will be credited a Swiss contribution of 75 000 CHF allowing a contract based on Resolution (76) 4 to be concluded with Mr Michel Flückiger as Advisor to the Secretary General, in particular for questions arising from the process of reconstruction and reconciliation in the former Yugoslavia, to be partially covered.

518th meeting - October 1994

Item 1.4

1.4

CONFERENCES OF SPECIALISED MINISTERS

State of Preparation

(CM/Del/Dec/Act(94)516/1.4, SG/D/Inf(94)7)

Decision

The Deputies took note of the intention of the Minister for Youth of Luxembourg to invite the European Ministers responsible for Youth to hold an informal meeting in Luxembourg in May 1995 and of the fact that this issue will be examined at the next meeting of the European Steering Committee for Intergovernmental Co-operation in the Youth Field (CDEJ) which will take place in Strasbourg from 18 to 21 October 1994.

1.5

**EUROPEAN YOUTH CAMPAIGN AGAINST
RACISM, XENOPHOBIA, ANTI-SEMITISM AND INTOLERANCE**
(CM/Del/Dec/Act(94)516/1.5, Misc(94)42 and Addendum)

Decision

The Deputies agreed to ask non-member States Parties to the Cultural Convention who wish to participate in the European Youth Campaign against Racism, Xenophobia, Anti-Semitism and Intolerance to contribute to the financing of the Campaign according to the scale of contributions applied to the Cultural Fund, calculated over 18 months, as it appears in the Addendum to Misc(94)42.

1.6

**COMMITTEE OF MINISTERS
PREPARATION OF THE 95TH SESSION**
(Strasbourg, 10 November 1994)

Chairman's summing-up

The Chairman noted a wide convergence of views in favour of "enlargement and future role of the Council of Europe" as the subject of the Ministerial Session, as well as on the preliminary draft programme which appears at Appendix 7 of the present volume of Decisions. There was also consensus concerning the importance of the informal part of the meeting. He would suggest that the Chairman of the Committee of Ministers present a short discussion paper with a view to the informal meeting, and the Secretariat would prepare, for the 519th (DH) meeting (19-20 October 1994) a draft agenda for the Ministerial Session.

He also noted that there was agreement that the Secretary General should address to the Ministers an invitation to the Ministerial Session drawing their attention to the importance of the subjects to be discussed. Finally, he noted that there was consensus that the ad hoc working party on the effects of enlargement of the Council of Europe, should examine the organisation and duration of future Ministerial Sessions.

Decisions

The Deputies

1. agreed to resume consideration of this item at their 519th (DH) meeting (October 1994) and at a special meeting on 4 November 1994 at 3 pm;
2. decided to invite the President of the Commission of the European Communities, Mr Jacques Delors, to participate in the Ministerial meeting.

518th meeting - October 1994

Item 2.1

2.1

CURRENT POLITICAL QUESTIONS

a.

Relations with Countries of Central and Eastern Europe
(CM/Del/Dec/Act(94)516/2.1)

Decisions

The Deputies,

1. decided, noting the request made by the Government of the Republic of Bosnia and Herzegovina and without prejudice to the general questions of State succession, to invite the Republic of Bosnia and Herzegovina to become a Contracting Party to each of the following conventions and agreements, in accordance with the relevant provisions of these treaties:

- European Cultural Convention (ETS 18, 1951),
- European Convention on the Equivalence of Diplomas leading to Admission to Universities (ETS 15, 1953),
- European Convention on the Equivalence of Periods of University Study (ETS 21, 1956),
- European Convention on the Academic Recognition of University Qualifications (ETS 32, 1959),

- Protocol to the European Convention on the Equivalence of Diplomas leading to Admission to Universities (ETS 49, 1964),
- European Convention on the Protection of the Archaeological Heritage (ETS 66, 1969),
- European Agreement on Continued Payment of Scholarships to Students studying Abroad (ETS 69, 1969),
- European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS 120, 1985),
- Convention for the Protection of the Architectural Heritage of Europe (ETS 121, 1985),
- Anti-Doping Convention (ETS 135, 1989),
- Convention on the Liability of Hotel-Keepers concerning the Property of their Guests (ETS 41, 1962),
- Convention on the Elaboration of a European Pharmacopoeia (ETS 50, 1964),
- European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ETS 51, 1964),
- European Convention for the Protection of Animals kept for Farming Purposes (ETS 87, 1976),
- European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle (ETS 88, 1976), and
- European Convention for the Protection of Animals for Slaughter (ETS 102, 1979);

2. instructed the Secretariat to inform the Government of the Republic of Bosnia and Herzegovina that it may become a Contracting Party to the above treaties by notification addressed to the Secretary General for each Convention and Agreement;

3. instructed the Secretariat to make contact with the authorities of "the Former Yugoslav Republic of Macedonia", after the elections of 16 and 30 October 1994, with a view to arranging an exchange of views between a political personality and the Ministers' Deputies in Strasbourg;

4. instructed the Secretariat to communicate the contents of the message submitted to the Committee of Ministers following the 8th (June 1994) meeting of the Steering Committee for Equality between women and men (CDEG) to the delegations concerned, with a view to the programming meeting for 1995 cooperation activities in the legal and human rights field, to be held in Strasbourg from 17 to 19 October 1994.

518th meeting - October 1994

Item 2.3

2.3

**COMPLIANCE WITH COMMITMENTS
ACCEPTED BY MEMBER STATES OF THE COUNCIL OF EUROPE
(CM/Del/Dec/Act(94)516/2.4, AhWP-MON(94)9)**

Decision

The Deputies agreed to resume consideration of the draft text proposed by the Chairman of the Ad hoc Working Party, with a view to the 95th Session of the Committee of Ministers (10 November 1994), at their 519th (DH) meeting (19-20 October 1994).

518th meeting - October 1994

Item 2.4

2.4

**RELATIONS BETWEEN THE COUNCIL OF EUROPE AND THE CSCE
(CM/Del/Dec/Act(94)513/7.3, 515/2.3, 516/2.3
Information Notes dated 27 and 28 September 1994, CM(94)76)**

Decisions

The Deputies

1. marked their agreement with a draft written contribution to be presented, on behalf of the Council of Europe, to the CSCE Review Conference (10 October - 2 December 1994) in Budapest;

2. decided to resume, at their 521st (November 1994), on the basis of a paper to be prepared by the Secretariat, consideration of the follow-up proposed at the 18th Session of the Standing Conference of European Ministers of Education (Madrid, 23-24 March 1994) for the Council of Europe Seminar on "Education: Structures, Policies and Strategies" open to all CSCE participating States (7-10 December 1993).

3.1

PARLIAMENTARY ASSEMBLY

b.

**Follow-up to the fourth part of the 1994 Session
(3-7 October 1994)**

Texts adopted

Decisions

The Deputies

Regarding Recommendation 1246 (1994) on the abolition of capital punishment

1. decided to bring it to the attention of their governments;
2. adopted Decision No. CM/605/131094 giving ad hoc Terms of Reference to the Steering Committee for Human Rights (CDDH) as they appear in Appendix 8 to the present volume of Decisions;
3. adopted decision No. CM/606/131094 giving ad hoc Terms of Reference to the European Committee on Crime Problems (CDPC) as they appear in Appendix 9 to the present volume of Decisions;
4. decided to resume consideration of this Recommendation at one of their forthcoming meetings in the light of the CDDH and CDPC's opinions;

Regarding Recommendation 1247 (1994) on the enlargement of the Council of Europe

5. decided to bring it to the attention of their governments;
6. decided to include this Recommendation in the files of the Ministers for the 95th Session of the Committee of the Ministers (Strasbourg, 10 November 1994);
7. decided to resume consideration of this Recommendation at their 521st (November 1994) meeting;

Regarding Recommendation 1248 (1994) on education for gifted children

8. decided to bring it to the attention of the governments of States signators to the European Cultural Convention;
9. adopted Decision No. CM/607/131094 giving ad hoc Terms of Reference to the Council of Cultural Cooperation's (CDCC) Education Committee (CC-ED) as they appear in Appendix 10 to the present volume of Decisions;
10. decided to resume consideration of this Recommendation at one of their forthcoming meetings in the light of the CC-ED's opinion;

Regarding Recommendation 1249 (1994) on the cooperation in the Mediterranean basin

11. decided to bring it to the attention of their governments;
12. decided to resume consideration of this Recommendation at their 521st (November 1994) meeting;
13. took note of the following Resolutions:

Resolution 1043 (1994) on the composition of the Standing Committee and the voting right of political group chairmen in the Bureau and the Standing Committee

Resolution 1044 (1994) on the abolition of capital punishment

Resolution 1045 (1994) on the energy/environment interface

Resolution 1046 (1994) on OECD activities in 1993.

518th meeting - October 1994

Item 3.2

3.2

**ACCESSION OF THE PRINCIPALITY OF ANDORRA
TO THE COUNCIL OF EUROPE**

**Opinion No. 182 (1994) of the Parliamentary Assembly
(CM(94)137)**

Chairman's Summing-up

The Chairman noted that there was a consensus within the Committee in favour of inviting the Principality of Andorra to become a member of the Council of Europe.

Decision

The Deputies adopted Resolution (94) 26 - Invitation to the Principality of Andorra to become a member of the Council of Europe - as it appears at Appendix 11 to the present volume of Decisions.

518th meeting - October 1994

Item 4.1

4.1

**EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)**

b.

**4th general activity report
(1 January to 31 December 1993)
(CM(94)123)**

Decision

The Deputies took note of the 4th General Report on the CPT's activities covering the period 1 January to 31 December 1993 as it appears in CM(94)123.

518th meeting - October 1994

Item 4.3

4.3

MINORITY RIGHTS IN GREECE
Written Question No. 357 by Mr Güner
(CM(94)139)

Decision

The Deputies agreed to resume consideration of this item at their 521st meeting (November 1994).

518th meeting - October 1994

Item H54-1

H54-1

JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS IN
THE CASE OF DEMICOLI AGAINST MALTA
Application of Article 54
of the European Convention on Human Rights
(CM/Del/Dec/Act(94)517/H54-20)

Decision

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

6.1

STEERING COMMITTEE ON SOCIAL POLICY (CDPS)

a.

**Abridged report of the 12th meeting
(Strasbourg, 5-8 July 1994)
(CM(94)120)**

Decisions

The Deputies

1. approved the amended terms of reference of the Co-ordinating Committee of the Childhood Policies Project (Project III.8) and of its working groups as they appear at Appendix IV to CM(94)120 (item 8 of CM(94)120);
2. took note of the text of a reply to the Committee of Ministers concerning a supplementary reply by the Committee of Ministers to Parliamentary Assembly Recommendation 1121 (1990) on the rights of children (item 22 of and Appendix V to CM(94)120), and agreed to resume consideration of this item at one of their forthcoming meetings;
3. taking into account decisions 1 and 2 above, as well as the decision taken under item 6.1.b below, took note of the abridged report of the 12th meeting of the Steering Committee on Social Policy (CDPS) as a whole (CM(94)120).

b.

**Draft Recommendation No. R (94)..
concerning elderly people
(CM(94)120, Appendix III)**

Decision

The Deputies adopted Recommendation No. R (94) 9 concerning elderly people as it appears at Appendix 12 to the present volume of Decisions.

6.2

EUROPEAN HEALTH COMMITTEE (CDSP)

a.

**Abridged report of the 35th meeting
(Strasbourg, 28-30 June 1994)
(CM(94)125)**

Decisions

The Deputies

1. decided that the European Health Committee (CDSP) should be consulted on a Draft Recommendation on medical data, under preparation by the Project Group on Data Protection (CJ-PD), prior to adoption of the said draft Recommendation (item 3 of CM(94)125);
2. took note of the opinion adopted by the CDSP on Parliamentary Assembly Recommendation 1235 (1994) on psychiatry and human rights (item 5 of, and Appendix VI to, CM(94)125);
3. taking into account decisions 1 - 2 above, as well as decisions taken under items 6.2.b and 6.2.c below, took note of the abridged report of the CDSP as a whole (CM(94)125).

b.

**Draft Recommendation No. R(94)..
on early pharmacological intervention against HIV infection
(CM(94)125, Appendix III)**

Decision

The Deputies adopted Recommendation No. R (94) 10 on early pharmacological intervention against HIV infection as it appears at Appendix 13 to the present volume of Decisions.

c.

**Draft Recommendation No. R (94)..
on screening as a tool of preventive medicine
(CM(94)125, Appendix IV)**

Decision

The Deputies adopted Recommendation No. R (94) 11 on screening as a tool of preventive medicine as it appears at Appendix 14 to the present volume of Decisions.

518th meeting - October 1994

Item 6.3

6.3

**COMMITTEE ON THE REHABILITATION AND INTEGRATION
OF PEOPLE WITH DISABILITIES (Partial Agreement) (CD-P-RR)
Abridged report of the 17th session
(Madrid, 7-10 June 1994)
(CM(94)127)**

Decisions

I. The Representatives on the Committee of Ministers of the seven States Parties to the Partial Agreement in the social and public health field² and the Representatives of Austria, Finland, Norway, Portugal, Spain, Sweden and Switzerland, States participating in the activities of the Committee on the Rehabilitation and Integration of People with Disabilities (Partial Agreement) (CD-P-RR)

1. approved the revised version of the specific terms of reference of the Working Group on the Ageing of Persons with Disabilities (P-RR-VPH), as set out in Appendix E to report CM(94)127 (item 3.4 of CM(94)127);

2. taking into account the decision above, took note of the abridged report of the 17th session of the CD-P-RR (CM(94)127) as a whole.

II. The Deputies decided to resume consideration of the item concerning the setting up of the pan-European network for the selection and follow-up of activities/experiences on the theme of independent living and equal opportunities for people with disabilities (item 4.1 and Appendix F to CM(94)127) at their 521st meeting (November 1994) after consideration by their Rapporteur Group on Social and Health Questions.

2 Belgium, France, Germany, Italy, Luxembourg, the Netherlands and the United Kingdom

6.4

**PUBLIC HEALTH COMMITTEE
(Partial Agreement) (CD-P-SP)**

a.

**Abridged report of the 53rd Session
(Strasbourg, 30 June 1994)
(CM(94)129)**

Decision

The Representatives on the Committee of Ministers of the seven States parties to the Partial Agreement in the Social and Public Health Field³, as well as the Representatives of Austria, Denmark, Finland, Ireland, Spain and Switzerland, States participating in the activities of the CD-P-SP1, taking into account decisions taken under items 6.4.b and 6.4.c below, took note of the abridged report of the 53rd Session of the Public Health Committee (Partial Agreement) (CD-P-SP) as a whole (CM(94)129).

³ Belgium, France, Germany, Italy, Luxembourg, the Netherlands and United Kingdom.

b.

**Draft Resolution AP (94)..
on the rational use of medicines
(CM(94)129, Appendix C)**

Decisions

The Representatives on the Committee of Ministers of the seven States parties to the Partial Agreement in the Social and Public Health Field⁴, as well as the Representatives of Austria, Denmark, Finland, Ireland, Spain and Switzerland, States participating in the activities of the CD-P-SP:

1. adopted Resolution AP (94) 1 on the rational use of medicines as it appears at Appendix 15 to the present volume of Decisions;
2. authorised publication of the Explanatory Memorandum thereto (item 3 of CM(94)129).

c.

**Opening of a special account
(CM(94)129)**

Decision

The Deputies decided to resume consideration of this item at their 519th meeting (DH) (19-20 October 1994).

⁴ Belgium, France, Germany, Italy, Luxembourg, the Netherlands and United Kingdom.

8.1

**ANNUAL REPORT OF THE EUROPEAN YOUTH CENTRE (EYC)
AND OF THE EUROPEAN YOUTH FOUNDATION (EYF)
FOR 1993
(CM(94)130)**

Decisions

The Deputies

1. took note of the annual report of the European Youth Centre (EYC) and of the European Youth Foundation (EYF) for 1993 as it appears in document CM(94)130;
2. authorised its publication.

9.3

**CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE
(CLRAE)**

Texts adopted

First session

(Strasbourg, 31 May - 3 June 1994)

(CM/Inf(94)25, CM/Del/Dec/Act(94)515/9.4 and 516/9.1)

Decisions

The Deputies

1. Concerning Recommendation 1 (1994) on topical issues concerning local and regional authorities
 - 1.1 decided to transmit for information Recommendation 1 (in particular paragraph 18) to Governments of member States;
 - 1.2 instructed the Secretary General to ensure the association of the CLRAE, by appropriate means, to the implementation of the LODE programme.

* * *

2. Concerning Recommendation 2 (1994) on monitoring the implementation of the European Charter of Local Self-Government

2.1 decided to transmit for information Recommendation 2 (in particular paragraph 8) to Governments of member States;

2.2 adopted Decision No. CM/603/101094 giving ad hoc terms of reference to the Steering Committee on Local and Regional Authorities (CDLR) as it appears in Appendix 16 to the present volume of Decisions and agreed to give a reply to the Congress based on the results of the CDLR's work in this field;

2.3 invited the Governments of member States which might not yet have done so to have translated the European Charter on Local Self-Government (ETS 122) into their national language(s) and to ensure its distribution to interested groups.

* * *

3. Concerning Recommendation 3 (1994) on the Environment in Central and Eastern Europe: the role and responsibilities of local and regional authorities" and on "environmental co-operation between local and regional authorities in the eastern Baltic region"

3.1 decided to transmit for information Recommendation 3:

to Governments of member States (in particular paragraphs 9 to 24) and to invite them to ensure the widest possible distribution of the two following CLRAE reports:

"Environment in Central and Eastern Europe: the role and the responsibilities of local and regional authorities" (CG(1)2A-part II) and the report on "Environmental co-operation between local and regional authorities in the Eastern Baltic region" (CG(1)2B-part II) established by the Rapporteurs of the Committee on the natural and built environment, Messrs Arpad Molnar and Markku Pohjola within the limits of the available resources;

to the Commission of the European Communities (in particular paragraph 28);

3.2 instructed the Secretary General to examine the possibility of having the two reports mentioned in paragraph 3.1 above translated into as many languages as possible of Central and Eastern European countries, within the limits of the resources available under Vote IX of the Budget, with a view to their distribution to local and regional authorities;

3.3 instructed the Secretary General to inform the CLRAE that a group of independent experts, in the framework of the co-operation programmes with countries of Central and Eastern Europe, has completed the drafting of a model act on the protection of the environment which has been transmitted to the Ministers of Environment of the interested countries, and agreed to place this text at the disposal of the CLRAE.

* * *

4. Concerning Recommendation 4 (1994) on partnerships between towns and municipalities - an efficient instrument for co-operation in the larger Europe

4.1 decided to transmit for information Recommendation 4 to Governments of member States (in particular paragraphs II.1-7 and paragraph IV.5) and to the Commission of the European Communities (in particular paragraph III.1-8);

4.2 decided to bear in mind paragraphs IV.3 and 4 of the Recommendation during the consideration of the draft Budget for 1995 and especially of the DEMOSTHENES and LODE programmes.

* * *

5. Concerning Recommendation 5 (1994) on Europe and its elderly people: towards a pact between generations and conclusions of the Siena Conference

5.1 decided to transmit this Recommendation for information to Governments of member States (in particular the paragraph addressed to "Governments of member States", sub-paragraphs 1-3 and paragraph 1 addressed to the "Committee of Ministers");

5.2 instructed the Secretary General to transmit for information this Recommendation to the following Steering Committees: Steering Committee on Social Policy (CDPS), European Health Committee (CDSP), European Social Security Committee (CDSS), Steering Committee for Employment and Labour (CDEM), European Population Committee (CDPO), the Council for Cultural Co-operation (CDCC), the Standing Conference on University Problems (CC-PU) and the European Steering Committee for Intergovernmental Co-operation in the Youth Field (CDEJ),

in order for them to take account of it in their work;

5.3 adopted Decision No. CM/604/101094 giving ad hoc terms of reference to the European Social Security Committee (CDSS), as it appears in Appendix 17 to the present volume of Decisions and agreed to inform the Congress about the results of the work of the CDSS in this field.

* * *

6. Concerning Recommendation 6 (1994) on the Conference on "Regionalisation in Europe: Evaluation and Perspectives" (Geneva, Switzerland, 3-5 June 1993)

6.1 decided to transmit for information Recommendation 6 to the Governments of member States (especially paragraph VI.1) and to the Commission of the European Communities (the Geneva Declaration, especially paragraph 31 of this text);

6.2 decided to inform the CLRAE that the CDLR is preparing a study on regionalisation in Europe and to transmit Recommendation 6, in particular paragraph VI.2, to the CDLR for it to take account of it in the preparation of this study on regionalisation in Europe;

6.3 decided to bear in mind Recommendation 6 during the consideration of the draft Intergovernmental Programme of Activities and of the Budget for 1995.

* * *

7. Concerning Recommendation 7 (1994) on Regional/Spatial planning prospects in the new Europe

7.1 decided to transmit for information Recommendation 7 to the Governments of member States (in particular paragraph V.i and Appendix) and to the Commission of the European Communities (especially paragraph V.ii);

7.2 instructed the Secretary General to transmit this text for information to the CDLR and to the Steering Committee for the Conservation and Management of the Environment and Natural Habitat (CDPE) in order for them to take account of it in their work;

7.3 instructed the Secretary General to invite the Committee of Senior Officials of the CEMAT to give its opinion on paragraph V.iii.d of the Recommendation and agreed to resume consideration of this Recommendation in the light of this opinion and of that of the Parliamentary Assembly;

7.4 decided to bear in mind this Recommendation (in particular paragraph V.iii) during their consideration of the draft Intergovernmental Programme of Activities for 1995.

* * *

8. as far as Resolution 1 (1994) on the Rules of Procedure of the Congress of Local and Regional Authorities is concerned, approved Article 24, paragraph 6 of the Rules of Procedure of the Congress, and took note of this Resolution as a whole;

9. decided to take note of the following Resolutions:

Resolution 2 (1994) on Topical issues concerning local and regional authorities

Resolution 3 (1994) on Monitoring the implementation of the European Charter of Local Self-government

Resolution 4 (1994) on the Environment in Central and Eastern Europe : the role and responsibilities of local and regional authorities and on Environmental co-operation between local and regional authorities in the Eastern Baltic region

Resolution 5 (1994) on Verification of credentials of Representatives and Substitutes to the Congress of Local and Regional Authorities of Europe

Resolution 6 (1994) on granting special guest status with the Congress

Resolution 7 (1994) on Partnerships between towns and municipalities - an efficient instrument for co-operation in the larger Europe

Resolution 8 (1994) on the Conference on Regionalisation in Europe : evaluation and perspectives (Geneva, Switzerland, 3-5 June 1993)

Resolution 9 (1994) on Regional/Spatial planning prospects in the new Europe.

* * *

10. adopted the following reply to the texts adopted by the Congress of Local and Regional Authorities of Europe (CLRAE) at its first session (Strasbourg, 31 May - 3 June 1994):

"The Committee of Ministers has examined the seven Recommendations and nine Resolutions adopted by the CLRAE at its first Session (Strasbourg, 31 May - 3 June 1994) and has adopted the following reply:

a. Concerning Recommendation 1 (1994) on topical issues concerning local and regional authorities, the Committee of Ministers has transmitted this Recommendation (in particular paragraph 19) to the informal conference of European Ministers responsible for local authorities (Warsaw 18 October 1994) in order for it to take account of it in its work. It has also transmitted for information paragraph 14 to Governments of member States. Concerning paragraph 18 of the Recommendation the Committee of Ministers assures the Congress that it will examine with great attention any proposal submitted to it on questions concerning local democracy in the countries of Central and Eastern Europe. On the other hand, the Committee of Ministers instructed the Secretary General to ensure that the Congress, by appropriate means, will be associated to the implementation of the LODE programme.

* * *

b. Concerning Recommendation 2 (1994) on monitoring the implementation of the European Charter of Local Self-Government, the Committee of Ministers has decided to transmit for information this Recommendation (in particular paragraph 8) to Governments of member States and has requested in the light of paragraph 7 of this Recommendation the Steering Committee on Local and Regional Authorities (CDLR) to provide elements which will enable the Committee of Ministers to give a definitive reply to the CLRAE.

Concerning paragraph 8 of this Recommendation, relating to the translation of the European Charter of Local Self-Government (ETS 122), it recalls that the Charter has to date been ratified by 19 States¹. In principle, it is therefore available in the languages of these countries. On the other hand the Council of

¹ Austria, Cyprus, Denmark, Finland, Germany, Greece, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, Turkey

Europe, in the framework of its activities under Vote IX, has had the Charter translated into the following languages: Albanian, Bulgarian, Hungarian, Romanian, Russian, Czech, Polish and Latvian. The Committee of Ministers has invited the Governments of member States, which have not yet done so, to have the Charter translated into their national language(s) and to ensure its distribution to the interested groups.

* * *

c. Concerning Recommendation 3 (1994) on the Environment in Central and Eastern Europe: the role and responsibilities of local and regional authorities and on "environmental co-operation between local and regional authorities in the eastern Baltic region", the Committee of Ministers has decided to transmit for information this Recommendation to Governments of member States (in particular paragraphs 9 to 24) and to invite them to ensure the widest possible distribution of the two following Congress' reports: "Environment in Central and Eastern Europe: the role and the responsibilities of local and regional authorities" (CG(1)2A-part II) and the report on "Environmental co-operation between local and regional authorities in the Eastern Baltic region" (CG(1)2B-part II) established by the Rapporteurs of the Committee on the natural and built environment, Messrs Arpad Molnar and Markku Pohjola, within the limits of available resources. It was also decided to transmit this Recommendation for information to the Commission of the European Communities (in particular paragraph 28).

It has instructed the Secretary General to examine the possibility to have translated the two above-mentioned reports into as many languages as possible of Central and Eastern European countries with a view to their distribution to local and regional authorities:

Otherwise it insists on informing the CLRAE that a group of independent experts, in the framework of the co-operation programmes with countries of Central and Eastern Europe, has completed the drafting of a model act on the protection of the environment which has been transmitted to the Ministers of Environment of the interested countries. This text will be placed at the disposal of the CLRAE.

* * *

d. Concerning Recommendation 4 (1994) on partnerships between towns and municipalities - an efficient instrument for co-operation in the larger Europe, the Committee of Ministers has decided to transmit for information this Recommendation to Governments of member States (in particular paragraphs II.1-7 and paragraph IV.5) and to the Commission of the European Communities (in particular paragraph III.1-8).

It has also decided to bear in mind paragraphs IV.3 and 4 of the Recommendation during the consideration of the draft Budget for 1995 and especially of the DEMOSTHENES and LODE programmes.

* * *

e. Concerning Recommendation 5 (1994) on Europe and its elderly people: towards a pact between generations and conclusions of the Siena Conference, the Committee of Ministers has decided to transmit this Recommendation for information to Governments of member States (in particular the paragraph addressed to "Governments of member States", subparagraphs 1-3 and paragraph 1 addressed to the "Committee of Ministers").

It has instructed the Secretary General to transmit for information this Recommendation to the following Steering Committees: Steering Committee on Social Policy (CDPS), European Health Committee (CDSP), European Social Security Committee (CDSS), Steering Committee for Employment and Labour (CDEM), European Population Committee (CDPO), the Council for Cultural Co-operation (CDCC), the Standing Conference on University Problems (CC-PU) and the European Steering Committee for Intergovernmental Co-operation in the Youth Field (CDEJ), in order for them to take account of it in their work.

It has decided to request the opinion of the European Social Security Committee (CDSS) on the implementation of Recommendations Nos. R (85) 9 and R (91) 2. The Congress will be kept informed about the results of the work of the CDSS in this field.

Concerning the CLRAE's proposal to create in Strasbourg a body providing impetus and coordination in this field, the Committee of Ministers cannot envisage, at this stage, taking into account the present Budget situation, the implementation of such a project.

* * *

f. Concerning Recommendation 6 (1994) on the Conference on "Regionalisation in Europe: Evaluation and Perspectives" (Geneva, Switzerland, 3-5 June 1993), the Committee of Ministers has decided to transmit for information this Recommendation to the Governments of member States (especially paragraph VI.1) and to the Commission of the European Communities (the Geneva Declaration, especially paragraph 31 of this text).

It informs the CLRAE that the CDLR is preparing a study on regionalisation in Europe and that it decided to transmit Recommendation 6, in particular paragraph VI.2, to the CDLR for it to take account of it in the preparation of this study on regionalisation in Europe.

It has also decided to bear in mind this Recommendation during the consideration of the draft Intergovernmental Programme of Activities and of the Budget for 1995.

* * *

g. Concerning Recommendation 7 (1994) on Regional/Spatial planning prospects in the new Europe, the Committee of Ministers has transmitted for information this Recommendation (in particular paragraph V, item iv) to the European Conference of Ministers responsible for Regional Planning (CEMAT) (Oslo, 6-7 September 1994). It has transmitted for information this Recommendation to the Governments of member States (in particular paragraph V.i and Appendix) and to the Commission of the European Communities (especially paragraph V.ii).

It has also transmitted this text to the CDLR and to the Steering Committee for the Conservation and Management of the Environment and Natural Habitat (CDPE) in order for them to take account of it in their work.

It has invited the Committee of Senior Officials of the CEMAT to give its opinion on paragraph V.iii.d of the Recommendation. The Congress will be kept informed about the Committee's opinion.

The Committee of Ministers has decided to bear in mind this Recommendation (in particular paragraph V.iii) during their consideration of the draft Intergovernmental Programme of Activities for 1995.

The Committee of Ministers will address a supplementary reply to the Congress on this issue after the adoption of the Budget and of the Intergovernmental Programme of Activities for 1995 and after having received the opinions of the Committee of Senior Officials of the CEMAT and of the Parliamentary Assembly.

It insists, however, on expressing already some doubts on whether it might be up to an international organisation like the Council of Europe to carry on an exclusively informative function in this field. Non-governmental organisations are already fulfilling this function and the Council of Europe could cooperate more with them. The Committee of Ministers also expresses some doubts on

the project of creating an academic association within the Council of Europe. As to the impetus to be given to transfrontier cooperation, in the spirit of the Vienna Declaration, the Committee of Ministers will examine some proposals to that effect within the framework of its work programme for 1995 and will keep the CLRAE informed of the results.

* * *

h. As far as Resolution 1 (1994) is concerned, the Committee of Ministers has approved Article 24, paragraph 6 of the Rules of Procedure of the Congress, and taken note of this Resolution as a whole. It has also taken note of Resolutions 2 to 9 (1994)."

518th meeting - October 1994

Item 9.4

9.4

**THE SITUATION OF REGIONAL OR MINORITY LANGUAGES
IN EUROPE**

Publication of additional contributions
(CM/Del/Dec/Act(94)516/9.4, CM(94)115 and Addendum)

Decision²

The Deputies authorised the publication of an Addendum to the document DELA(94)1 "The Situation of Regional or Minority Languages in Europe" following the same modalities as for this document. This Addendum will contain Turkey's contribution dated 14 March 1994 (cf. Appendix 1 to CM(94)115), the contribution of the Greek Delegation dated 3 May 1994 (cf. Appendix 2 to CM(94)115), the contribution from the Turkish Delegation dated 14 June 1994 (cf. Appendix 3 to CM(94)115) and the contribution from the Greek Delegation dated 9 September 1994 (cf. Addendum to CM(94)115). It will be understood that no other contribution will be accepted except one from a State which has not already given a contribution.

² The Delegation of Turkey accepted this decision ad referendum.

10.1

STEERING COMMITTEE ON BIOETHICS (CDBI)

a.

**Abridged report of the 6th meeting
(Strasbourg, 27 June - 1 July 1994)
(CM(94)121)**

Decisions

The Deputies

1. took note of the CDBI's opinion on Parliamentary Assembly Recommendation 1235 (1994) on psychiatry and human rights, as it appears at Appendix IV to CM(94)121, thus executing the terms of reference assigned to it by Decision No. CM/587/260594;
2. agreed to resume consideration of Recommendation 1235 (1994) at one of their meetings in January 1995, with a view to adopting an interim reply to the Assembly;
3. noted the CDBI's opinion on Parliamentary Assembly Recommendation 1240 (1994) on the protection and patentability of material of human origin, as it appears at Appendix V of CM(94)121, thus executing the terms of reference assigned to it by Decision No. CM/593/260594;
4. agreed to resume consideration of Recommendation 1240 (1994) at their 521st meeting (November 1994), with a view to adopting an interim reply to the Assembly;
5. agreed to resume consideration of the advisability of assigning to the CDBI terms of reference relating to issues raised in Parliamentary Assembly Recommendations 1235 and 1240 (1994) (cf. Appendices VI and V to CM(94)121) when the CDBI will have finalised the draft Convention on Bioethics.
6. taking into account decisions 1 to 5 above, took note of the abridged report of the 6th meeting of the CDBI (CM(94)121) as a whole.

b.

**Request for derogation from Rule 34 of
Resolution (76)3**

Chairman's Summing Up

The Chairman noted that a majority of Delegations were against the award of a derogation from Rule 34 of Resolution (76)3. He noted that there was however a proposal to examine the advisability of holding in Cyprus a Seminar on the protection of the embryo, proposed in the draft Intergovernmental Programme of Activities for 1995. This proposal could therefore be examined at the 523rd meeting of the Deputies devoted to the consideration of the draft Intergovernmental Programme of Activities and Budget for 1995 (12-16 December 1994).

Decision

The Deputies agreed to resume consideration of the proposal to examine the advisability of holding in Cyprus a Seminar on protection of the embryo at their 523rd meeting (12-16 December 1994) devoted to the consideration of the draft Intergovernmental Programme of Activities and Budget for 1995.

518th meeting - October 1994

Item 10.2

10.2

**EUROPEAN COMMITTEE ON LEGAL COOPERATION (CDCJ)
Draft Recommendation No. R (94).. of the
Committee of Ministers to member States
on the independence, efficiency and role of judges
(CM/Del/Dec/Act(94)516/10.1c, CM(94)104 Addendum)**

Decisions

The Deputies

1. adopted Recommendation No. R (94) 12 of the Committee of Ministers to member States on the independence, efficiency and role of judges, as it appears at Appendix 18 to the present volume of Decisions;
2. authorised the publication of the explanatory memorandum thereon (Part B of the Addendum to CM(94)104).

11.1

STAFF SALARIES
Co-ordinating Committee on Remuneration (CCR)
Annual adjustment of remuneration of the staff
of the Co-ordinated Organisations at 1 January 1994
40th report
(CM(94)131)

Decisions

The Deputies

1. approved the recommendations set out in paragraph 3.1 of the 40th Report of the Co-ordinating Committee on Remuneration (CM (94) 131, Add. I) concerning adjustment of remuneration of the staff of the Co-ordinated Organisations;
2. approved accordingly with retroactive effect at 1 January 1994, the revised salary scales for the Netherlands attached at Annex 6 to the 40th report, which increase those attached to the 31st report by + 1.1% to take account of the correction to the purchasing power parity;
3. in accordance with Article 10.1 and Appendix 4, paragraph 3.1.3 of the procedure and paragraph 6.1(c) of the 31st report by the CCR, approved, with retroactive effect at 1 January 1994, the allowances fixed in absolute terms for all countries using the indices resulting from the verification by Study Group No. 2 (cf. Annex 7 to the 40th report);
4. in accordance with the terms of paragraph 6.1(b) of the 31st report, approved, with effect at 31 December 1994, the salary scales for all countries (except Belgium, Luxembourg and the Netherlands) as increased by the residual adjustment index [cf. column 6 of Annex 4 to the 40th report], attached to the 40th report in tables by country [Annex 6] subject to any subsequent intermediate and -in the case of Turkey- special adjustments;
5. noted that, pending the results of a study [cf. paragraph 2.1.1 of the 40th report], it has been agreed that for the reference period 1993-94 account would be taken in the calculation of the reference index of an end-of-year payment made to Netherlands national civil servants without amendment to Appendix 2 of the remuneration adjustment procedure;

6. noted that, by application of the 150th report by the Co-ordinating Committee of Government Budget Experts (CCG) [CCG(78)4] dated 4 April 1978, pensions will be increased in the same proportion and on the same date as remuneration of active staff;
7. noted that, in accordance with the interpretation given to paragraph 3 of the 34th report by the CCG [CCG(65)5] at its Session held on 29 June 1966 [CCG/M(66)6], the remuneration of auxiliary staff serving in the Co-ordinated Organisations will be adjusted in accordance with the provisions of the 40th report;
8. adopted Resolution (94) 27 on Revision of the Regulations governing Staff Salaries and Allowances, as it appears at Appendix 19 to the present volume of Decisions;
9. adopted Resolution (94) 28 on the Remuneration of Specially Appointed Officials, as it appears at Appendix 20 to the present volume of Decisions;
10. released the appropriations frozen under the relevant sub-heads of the ordinary budget, of each of the Partial Agreement budgets and of the Pensions Budget for 1994 to the extent necessary for the implementation of the foregoing decisions.

11.2

**GENERAL ACCOUNTS OF THE COUNCIL OF EUROPE FOR THE
1993 FINANCIAL YEAR (CM(94)28)**

**Report of the Board of Auditors (CM(94)30) and comments of the
Secretary General on the Board of Auditors' report (CM(94)31)**

a.

**Accounts of the General Budget (Ordinary Budget,
Subsidiary Budget of the European Youth Centre,
Subsidiary Budget for Publications, Extraordinary Budget
and Pensions Budget)**

b.

**Accounts of the following Partial Agreements: (Partial Agreement
in the Social and Public Health Field, European Pharmacopoeia,
Subsidiary Budget of the European Pharmacopoeia, Extraordinary Budget
of the European Pharmacopoeia, Partial Agreement on the Social
Development Fund (Resettlement Fund), Co-operation Group to combat
drug abuse and illicit trafficking in drugs (Pompidou Group),
Co-operation Group for the prevention of, protection against,
and organisation of relief in major natural and technological disasters,
Partial Agreement on the European Commission for Democracy through Law,
Partial Agreement on the Youth Card)**

Decision

The Deputies decided to postpone consideration of this item to their 521st meeting (November 1994) after consideration by the Rapporteur Group on Administrative Questions.

518th meeting - October 1994

Item 11.3

11.3

**ACCOUNTS OF THE PARTIAL AGREEMENT ON THE
EUROPEAN SUPPORT FUND FOR THE CO-PRODUCTION
AND DISTRIBUTION OF CREATIVE CINEMATOGRAPHIC
AND AUDIO-VISUAL WORKS "EURIMAGES" FOR THE
1993 FINANCIAL YEAR
(CM(94)27 and 30)**

Decision

The Representatives on the Committee of Ministers of the member States in 1993 of the Partial Agreement on the European Support Fund for the Co-production and Distribution of Creative Cinematographic and Audio-Visual Works "Eurimages"³ approved the accounts of this Partial Agreement for 1993 (CM(94)27) in accordance with the report of the Board of Auditors (CM(94)30) and accordingly adopted Resolution (94) 29 as it appears at Appendix 21 to the present volume of Decisions.

518th meeting - October 1994

Item 11.4

11.4

**ACCOUNTS OF THE CULTURAL FUND FOR THE
FINANCIAL YEAR 1993
(CM(94)25 and 30)**

Decision

The Deputies agreed to resume consideration of this item at their 521st meeting (November 1994).

³

Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

518th meeting - October 1994

Item 11.5

11.5

**ACCOUNTS OF THE SPORTS FUND FOR THE
FINANCIAL YEAR 1993**
(CM(94)26 and 30)

Decision

The Deputies adopted Resolution (94) 30 discharging the Secretary General from his responsibility in respect of the financial management of the Sports Fund for the period 1 January - 31 December 1993, as it appears at Appendix 22 to the present volume of Decisions.

518th meeting - October 1994

Item 11.6

11.6

1994 BUDGETARY SITUATION
(CM(94)114 and Addendum, CM(94)135 and Addendum)

Decisions

The Deputies authorised the Secretary General to incur additional expenditure under sub-head 1504 of the 1994 Ordinary Budget - Postage and Carriage - beyond the level of the present appropriation of 6,805,000 F, it being understood that such additional expenditure would be met by transfer within the terms of Article 31 of the Financial Regulations, of which up to 1,500,000 F would be effected if necessary from other Votes in the light of the credit balance remaining at the end of the financial year on the various sub-heads of the Ordinary Budget;

2. the Representatives on the Committee of Ministers of the States Parties to the Partial Agreement on the Social Development Fund¹ approved a supplementary appropriation of 70,000 F in the 1994 budget of the Partial Agreement and adopted Resolution (94) 32 as it appears at Appendix 23 to the present volume of Decisions;

3. the Representatives on the Committee of Ministers of the States Parties to the Partial Agreement on the European Commission for Democracy through Law² approved a supplementary appropriation of 100,000 F in the 1994 budget of the Partial Agreement and adopted Resolution (94) 33 as it appears at Appendix 24 to the present volume of Decisions.

518th meeting - October 1994

Item 11.7

11.7

MEMBERSHIP OF THE BUDGET COMMITTEE
Replacement of the member for France
and the alternate member for Italy
for the period ending 31 December 1995

Decision

The Deputies, in accordance with Article 29 of the Financial Regulations, appointed to the Budget Committee for the period ending 31 December 1995, Mr André Autrand as member for France (replacing Mr Martin Le Coeur) and Mr Paolo Andreotti as alternate member for Italy (replacing Mr Antonio Antonellis).

¹ States concerned: Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland and Turkey.

² States concerned: Austria, Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland and Turkey.

11.8

**FINANCIAL CONTRIBUTIONS OF THE PRINCIPALITY OF MONACO
TO THE CULTURAL FUND AND THE SPORTS FUND**

Decision

The Deputes decided to fix the contributions of the Principality of Monaco to the Cultural Fund and the Sports Fund as follows:

STATE	CULTURAL FUND	SPORTS FUND	15% OF ADMINISTRATIVE COSTS	TOTAL
PRINCIPALITY OF MONACO	11,771 F	1,109 F	1,932 F	14,812 F

APPENDIX 1

518th MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 10 (3pm) October 1994 - B level)

AGENDA

1. General questions

1.1 Adoption of the Agenda and of the Order of Business

1.4 Conferences of Specialised Ministers - State of preparation
(CM/Del/Dec/Act(94)516/1.4, SG/D/Inf(94)7)
(Notes No. 94/599 of 30.9.94)

6. Social and Economic questions

6.1 Steering Committee on Social Policy (CDPS)

a. Abridged report of the 12th meeting (Strasbourg, 5-8 July 1994)

b. Draft Recommendation No. R(94)... on elderly people

(CM(94)120)

(Notes No. 94/600 of 30.9.94)

6.2 European Health Committee (CDSP)

a. Abridged report of the 35th meeting (Strasbourg, 28-30 June 1994)

b. Draft Recommendation No. R(94)... on early pharmacological intervention against HIV-infection

c. Draft Recommendation No. R(94)... on screening as a tool of preventive medicine

(CM(94)125)

(Notes No. 94/601 of 29.9.94)

- 6.3 Committee on the Rehabilitation and Integration of People with disabilities (CD-P-RR) - Abridged report of the 17th Session (Madrid, 7-10 June 1994)
(CM(94)127)
(Notes No. 94/602 of 30.9.94)
- 6.4 Public Health Committee (Partial Agreement) (CD-P-SP)
- a. Abridged report of the 53rd Session (Strasbourg, 30 June 1994)
- b. Draft Resolution AP(94)... on the rational use of medicines

(CM(94)129)
(Notes No. 94/603 of 29.9.94)
8. Youth
- 8.1# Annual report of the European Youth Centre (EYC) and of the European Youth Foundation (EYF) for 1993
(CM(94)130 of 13.9.94)
(Notes No. 94/604 of 22.9.94)
9. Environment and Local Authorities
- 9.1⁽¹⁾ Draft additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106)
(CM/Del/Dec/Act(94)515/9.1b, CM(94)93 Appendix III)
- 9.3 Congress of Local and Regional Authorities of Europe (CLRAE) - Texts adopted at the 1st Session (Strasbourg, 31 May - 3 June 1994)
(CM/Del/Dec/Act(94)515/9.4 and 516/9/1, CM/Inf(94)25)
(Notes No. 94/606 of 3.10.94)
(Prepared by the Rapporteur Group on Environment and Local Authorities)

⁽¹⁾ This item was dealt with at the 517th meeting of the Ministers' Deputies (October 1994).

No debate envisaged

9.4 The situation of regional and minority languages in Europe -
Publication of additional contributions
(CM/Del/Dec/Act(94)516/9.4, CM(94)115 and Addendum)
(Notes No. 94/607 of 30.9.94)

10. Legal questions

10.1 Steering Committee on Bioethics (CDBI)

- a. Abridged report of the 6th meeting (Strasbourg, 27 June - 1 July
1994)
(CM(94)121)
(Notes No. 94/608 of 28.9.94)

11. Administrative questions

11.1 Annual adjustment of remuneration of the staff of the Co-ordinated
Organisations at 1 January 1994 - Report of the Co-ordinating
Committee on Remunerations (CCR)
(CM(94)131)
(Notes No. 94/610 of 27.9.94)

11.3 Accounts of the Partial Agreement on the European Support Fund for
the Co-production and Distribution of Creative Cinematographic and
Audio-visual Works "Eurimages" for the 1993 financial year
(CM(94)27 of 4.10.94)
(Notes No. 94/611 of 5.10.94)

11.#5 Accounts of the Sports Fund for the 1993 financial year
(CM(94)26)
(Notes No. 94/613 of 30.9.94)

No debate envisaged

- 11.6 1994 budgetary situation
(CM(94)114 and Add. of 27.9.94 and 135 of 29.9.94 and Add. of
10.10.94)
(Notes No. 94/614 of 4.10.94 and Add. of 10.10.94)
- 11.#7 Membership of the Budget Committee - Replacement of the member
in respect of France and of the alternate member of Italy for the period
ending on 31 December 1995
(Notes No. 94/615 of 21.9.94)
- 11.8 Monaco's financial contributions to the Cultural Fund and to the Sports
Fund
(Notes No. 94/616 of 22.9.94)

APPENDIX 2

518th MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 11 (3pm) -13 October 1994 - A level)

AGENDA

1. General questions

- 1.1 Adoption of the Agenda and of the Order of Business
- 1.2 Preparation of forthcoming meetings
(Notes No. 94/618 of 13.10.94)
- 1.3 Communication from the Secretary General
- 1.5 European Youth Campaign against racism, xenophobia, antisemitism and intolerance - Geographical scope of the Campaign
(CM/Del/Dec/Act(94)516/1.5, Misc(94)42 of 7.10.94 and Add. of 12.10.94)
(Notes No. 94/619 of 13.10.94)
(Prepared by the Rapporteur Group on Youth)
- 1.6 Committee of Ministers - Preparation of the 95th Session (Strasbourg, 10 November 1994)
(Notes No. 94/620 of 6.10.94)

2. Political questions

- 2.1 Current political questions
 - a. Relations with countries of Central and Eastern Europe
(Prepared by the Enlarged Rapporteur Group)
 - b. Other questions

(CM/Del/Dec/Act(94)511/2.1, 516/2.1)
(Notes No. 94/621 of 30.9.94 and Add. of 11.10.94)

- 2.2 Situation in Cyprus
(CM/Del/Dec/Act(94)516/2.2)
(Notes No. 94/622 of 13.9.94)
- 2.3 Compliance with commitments accepted by member States of the Council of Europe
(CM/Del/Dec/Act(94)516/2.4)
(Notes No. 94/623 of 29.9.94 and Add. of 12.10.94)
(Prepared by the Ad hoc Working Party)
- 2.4 Relations between the Council of Europe and the CSCE
(CM/Del/Dec/Act(94)516/2.3)
(Notes No. 94/624 of 30.9.94 and Add. of 11.10.94)
(Prepared by the Ad hoc Working Party)
3. Parliamentary Assembly
- 3.1 Parliamentary Assembly
- a. Statement by the Clerk on the fourth part of the 1994 Session (3-7 October 1994) and on other Assembly activities
- b. Texts adopted at the fourth part of the 1994 Session
(Notes No. 94/625 of 11.10.94)
- c. Parliamentary questions for oral reply by the Chairman of the Committee of Ministers at the fourth part of the 1994 Session
(AS(1994)CR28)
(Notes No. 94/626 of 10.10.94)
- 3.2 Accession of the Principality of Andorra to the Council of Europe -
Opinion No. 182 (1994) of the Parliamentary Assembly
(CM(94)137 of 5.10.94)
(Notes No. 94/704 of 6.10.94)

4. Human Rights

- 4.1 European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT)
- a. Hearing of the President (13 October 1994 at 3pm)
 - b. 4th general activity report (1 January to 31 December 1993)
- (CM(94)123)
(Notes No. 94/628 of 28.9.94)
- 4.2 Ad hoc Committee for the Protection of National Minorities (CAHMIN) Abridged Report of the 6th meeting (Strasbourg, 12-16 September 1994)
(CM/Del/Dec/Act(94)517/4.3, 517bis/4.1, CM(94)133)
- 4.3 Minority rights in Greece - Written Question No. 357 by Mr Güner
(CM(94)139 of 6.10.94)
(Notes No. 94/706 of 10.10.94)

*

* *

Application of Article 54
of the European Convention of Human Rights

- H54-1 Judgment of the European Court of Human Rights in the case of Demicoli against Malta
(CM/Del/Dec/Act(94)517/H54-20)
(Notes No. 94/636 of 27.9.94)

6. Social and Economic Questions

- 6.4 Public Health Committee (Partial Agreement) (CD-P-SP)
- c. Opening of a special account
- (CM(94)129)
(Notes No. 94/637 of 4.10.94 and Add. of 12.10.94)

9. Environment and Local Authorities

- 9.2 Congress of Local and Regional Authorities of Europe (CLRAE) -
Hearing of the President of the Congress (12 October 1994 at 5.30 pm)
(CM/Del/Dec/Act(94)516/1.2)
(Notes No. 94/630 of 30.9.94)

10. Legal questions

- 10.1 Steering Committee on Bioethics (CDBI)

b. Request for derogation from Rule 34 of Resolution (76)3

(Notes No. 94/608 of 28.9.94 and Add. of 12.10.94)

- 10.2 European Committee on Legal Co-operation (CDCJ) - Draft
Recommendation No. R(94)... on the independence, efficiency and role
of judges
(CM/Del/Dec/Act(94)516/10.1c, CM(94)104 Addendum)
(Notes No. 94/631 of 20.9.94)

11. Administrative questions

- 11.2 General Accounts of the Council of Europe for the 1993 financial year
(CM(94)28) - Report of the Board of Auditors (CM(94)30) and
comments of the Secretary General on the Board of Auditors' report
(CM(94)31 of 3.10.94)
(Notes No. 94/632 of 3.10.94)

a. Accounts of the General Budget

- Ordinary Budget
- Subsidiary Budget of the European Youth Centre
- Subsidiary Budget for Publications
- Extraordinary Budget
- Pensions Budget

b. Accounts of the following Partial Agreements:

- Partial Agreement in the Social and Public Health Field
- European Pharmacopoeia
- Subsidiary Budget of the European Pharmacopoeia
- Extraordinary Budget of the European Pharmacopoeia
- Partial Agreement on the Social Development Fund (Resettlement Fund)
- Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group)
- Co-operation Group for the prevention of, protection against, and organisation of relief in major natural and technological disasters
- Partial Agreement on the European Commission for Democracy through Law
- Partial Agreement on the Youth Card

11.4

Accounts of the Cultural Fund for the 1993 financial year
(CM(94)25)
(Notes No. 94/612 of 3.10.94)

APPENDIX 3
(item 1.2)

521st MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 21 (3pm) - 22 November 1994 - B level)

DRAFT AGENDA

1. General Questions

1.4 Conferences of Specialised Ministers - State of preparation
(CM/Del/Dec/Act(94)518/1.4, CM(94)..., SG/D/Inf(94)... of ...)
(Notes No. 94/724 of ...)

1.7 Liaison Committee between the Council of Europe and the social
partners (LCML) - Abridged report of the 11th meeting (Strasbourg, 28
September 1994)
(CM(94)...)
(Notes No. 94/725 of ...)

3. Parliamentary Assembly

3.2 Situation of asylum-seekers whose asylum applications have been
rejected - Parliamentary Assembly Recommendation 1237 (1994)
(CM/Del/Dec/Act(94)513/3.1b)
(Notes No. 94/726 of ...)

3.3 Rights of minorities

a. Parliamentary Assembly Recommendation 1134 (1990)
(CM/Del/Concl(92)478/11)

b. Parliamentary Assembly Recommendation 1177 (1992)
(CM/Del/Concl(92)473/39)

NB. In application of the deadline rules for the dispatch of reference documents and
Notes on the Agenda, the date limits are:

B level CM : 24 October 1994
Notes : 10 November 1994

- c. Additional protocol on the rights of national minorities to the European Convention on Human Rights - Parliamentary Assembly Recommendation 1201 (1993)
(CM/Del/Dec/Act(93)500/14)

(Notes No. 94/727 of ...)

- 3.4 Protection and patentability of material of human origin - Parliamentary Assembly Recommendation 1240 (1994)
(CM/Del/Dec/Act(94)518/10.1a)
(Notes No. 94/728 of ...)

5. Mass Media

5.1 Steering Committee on the Mass Media (CDMM)

- a. Abridged report of the 38th meeting (Strasbourg, 11-14 October 1994)
- b. Draft Recommendation No. R (94)... on measures against sound and audio-visual piracy
- c. Draft Recommendation No. R (94)... on measures to promote media transparency

(CM(94)...)

(Notes No. 94/729 of ...)

6. Social and Economic questions

- #6.1 Steering Committee on Social Policy (CDPS) - Draft Recommendation No. R(94)... on coherent and integrated family policies
(CM(94)...)
(Notes No. 94/730 of ...)

- 6.2 Committee on the Rehabilitation and Integration of People with Disabilities (Partial Agreement) (CD-P-RR) - Setting up of the pan-European network for the selection and follow-up of activities/experiences on the theme of independent living and equal opportunities for people with disabilities
(CM/Del/Dec/Act(94)518/6.3, CM(94)127)
(Notes No. 94/754 of ...)

8. Youth

- 8.1 Draft Agreement on the creation of a special fund for the mobility of defavourised youth
(Notes No. 94/731 of ...)

9. Environment and Local Authorities

- 9.1 10th Session of the European Conference of Ministers responsible for Regional Planning (CEMAT) (Oslo, 6-7 September 1994) - Report of the Secretary General
(CM(94)...) (Notes No. 94/732 of ...)
- 9.2 Informal Conference of European Ministers responsible for Local Government (Warsaw, 18 October 1994) - Report of the Secretary General
(CM(94)...) (Notes No. 94/733 of ...)

10. Legal questions

- 10.1 Ad hoc Committee of Experts on Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR) - Abridged report of the 38th meeting (Strasbourg, 20-22 September 1994)
(CM(94)...) (Notes No. 94/734 of ...)

11. Administrative questions

- 11.1 Convention on the elaboration of a European Pharmacopoeia - Opening of a special account "Funding of specific activities of common interest to the European Community and the Council of Europe to enhance work undertaken by the European Pharmacopoeia within the framework of regulations of medicines in Europe"
(CM(94)...) (Notes No. 94/735 of ...)
- #11.2 Enlarged Partial Agreement on the European Centre for Modern Languages (Graz) - Accession of Norway
(Notes No. 94/736 of ...)
- 11.3 Board of Auditors - Nomination of a member
(CM/Del/Dec/Act(94)516/11.5, CM(94)101 and (94)...) (Notes No. 94/740 of ...)
- 11.4 Accounts of the Partial Agreement establishing the European Centre for Global Interdependence and Solidarity for the 1993 financial year
(CM(94)...) (Notes No. 94/741 of ...)
- 11.6 Accounts of the Cultural Fund for the 1993 financial year
(CM/Del/Dec/Act(94)518/11.4, CM/(94)25) (Notes No. 94/742 of ...)

no debate envisaged

APPENDIX 4
(item 1.2)

521st MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 22 (3pm) - 25 November 1994 - A level)

DRAFT AGENDA

1. General questions
 - 1.1 Adoption of the Agenda and of the Order of Business
 - 1.2 Preparation of forthcoming meetings
(Notes No. 94/743 of ...)
 - 1.3 Communication from the Secretary General
 - 1.5 Committee of Ministers - Follow-up to the 95th Session (Strasbourg, 10 November 1994)
(CM(94)PV 2 prov.)
(Notes No. 94/744 of ...)
 - 1.6 Future of the Group of Senior Officials responsible for the follow-up to the Conference of Ministers on movements of persons from Central and Eastern European countries (Vienna Group)
(Notes No. 94/745 of ...)

NB. In application of the deadline rules for the dispatch of reference documents and Notes on the Agenda, the date limits are:

A level CM : 25 October 1994
Notes : 10 November 1994

2. Political questions

2.1 Current political questions

a. Relations with countries of Central and Eastern Europe

b. Other questions

(CM/Del/Dec/Act(94)518/2.1)
(Notes No. 94/746 of ...)

2.2 Situation in Cyprus

(CM/Del/Dec/Act(94)518/2.2)
(Notes No. 94/747 of ...)

2.3 Relations between the Council of Europe and the CSCE

(CM/Del/Dec/Act(94)518/2.4)
(Notes No. 94/750 of ...)

3. Parliamentary Assembly

3.1 Parliamentary Assembly - Texts adopted by the Standing Committee
(Strasbourg, 10 November 1994)
(Notes No. 94/748 of ...)

3.5 Situation in Bosnia Herzegovina - Parliamentary Assembly
Recommendation 1238 (1994)
(CM/Del/Dec/Act(94)513/3.1b)
(Notes No. 94/749 of ...)

3.6 Enlargement of the Council of Europe - Parliamentary Assembly
Recommendation 1247(1994)
(CM/Del/Dec/Act(94)518/3.1.b)
(Notes No. 94/751 of ...)

3.7 Cooperation in the Mediterranean basin - Parliamentary Assembly
Recommendation 1249(1994)
(CM/Del/Dec/Act(94)518/3.1.b)
(Notes No. 94/752 of ...)

4. Human Rights

- 4.1 Minority Rights in Greece - Written Question No. 357 by Mr Güner (CM/Del/Dec/Act(94)518/4.3, CM(94)139)
(Notes No. 94/753 of ...)

11. Administrative Questions

- 11.5 General Accounts of the Council of Europe for the 1993 financial year (CM(94)28) - Report of the Board of Auditors (CM(94)30) and comments of the Secretary General on the Board of Auditors' report (CM(94)31 of 3.10.94)
(Notes No. 94/755 of ...)

a. Accounts of the General Budget

- Ordinary Budget
- Subsidiary Budget of the European Youth Centre
- Subsidiary Budget for Publications
- Extraordinary Budget
- Pensions Budget

b. Accounts of the following Partial Agreements:

- Partial Agreement in the Social and Public Health Field
- European Pharmacopoeia
- Subsidiary Budget of the European Pharmacopoeia
- Extraordinary Budget of the European Pharmacopoeia
- Partial Agreement on the Social Development Fund (Resettlement Fund)

- Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group)
- Co-operation Group for the prevention of, protection against, and organisation of relief in major natural and technological disasters
- Partial Agreement on the European Commission for Democracy through Law
- Partial Agreement on the Youth Card

APPENDIX 5

(item 1.2)

**SCHEDULE OF MEETINGS
FOR 1995⁴**

No.	Level	Month	Date	Days
524(DH)		January	10-11	Tuesday-Wednesday
525	B		11-12	Wednesday-Thursday
526	A		23-26	Monday(3pm)-Thursday
527(DH)		February	6-7	Monday(3pm)-Tuesday
528	B		7-8	Tuesday-Wednesday
529	A		20-23	Monday(3pm)-Thursday
530(DH)		March	1-2	Wednesday-Thursday
531	B		2-3	Thursday-Friday
532	A		20-23	Monday(3pm)-Thursday
533	B	April	6	Thursday
534(DH)			7	Friday
535	A		18-20	Tuesday(3pm)-Thursday

⁴ At their January 1994 meeting (506th, item ADM3), the Deputies "decided to hold "Human Rights" (DH) meetings, in addition to A level and B level meetings, without specifying their level."

They further decided that "these meetings will be held as of 1995, in conjunction with B level meetings, between two monthly meetings at A level."

No.	Level	Month	Date	Days
[96	CM	May	-	-] ²
536(DH)			2-3	Tuesday(3pm)-Wednesday
537	B		3-4	Wednesday-Thursday
538	A		22-24	Monday(3pm)-Wednesday
539(DH)		June	6-7	Tuesday(3pm)-Wednesday
540	B		7-8	Wednesday-Thursday
541	A		19-22	Monday(3pm)-Thursday
542(DH)		September	6-7	Wednesday-Thursday
543	B		7-8	Thursday-Friday
544	A		11-14	Monday(3pm)-Thursday
545	B	October	12	Thursday
546(DH)			13	Friday
547	A		16-19	Monday(3pm)-Thursday
[97	CM	November	-	-] ³
548	B		16	Thursday
549(DH)			17	Friday
550(budget)	A		20-23	Monday(3pm)-Thursday
551	A	December	4-7	Monday(3pm)-Thursday
552	B		14	Thursday
553(DH)			15	Friday

² Dates of the 96th session of the Committee of Ministers to be fixed.

³ Dates of the 97th session of the Committee of Ministers to be fixed.

APPENDIX 6

(item 1.2)

**SCHEDULE OF MEETINGS
of the open-ended ad hoc Working Group
to continue examining reforms of the aims and
procedures of the Intergovernmental Programme of Activities
and of sectoral Rapporteur Groups**

- Friday 21 October (am): Open-ended ad hoc Working Group to continue examining the reforms of the aims and procedures of the Intergovernmental Programme of Activities
- Monday 14 November (pm): Sectoral Rapporteur Group
- Tuesday 15 November (pm): Sectoral Rapporteur Group
- Friday 18 November: Sectoral Rapporteur Group
- Tuesday 22 November (am): Open-ended ad hoc Working Group to continue examining the reforms of the aims and procedures of the Intergovernmental Programme of Activities.

APPENDIX 7

(item 1.6)

**PRELIMINARY DRAFT PROGRAMME OF THE 95TH SESSION OF THE
COMMITTEE OF MINISTERS
(Strasbourg, 10 November 1994)**

9 November 1994

8.30 pm: Dinner hosted by the Secretary General (venue to be decided)

10 November 1994

8.30 am: Enlarged Joint Committee (Colloquy)

9.30 am: Ceremony of accession of the Principality of Andorra

From 10 am: Possibility, in parallel with the Ministerial meeting, of signing the Framework Convention for the Protection of National Minorities

10 am: Informal meeting (Committee of Ministers Meeting Room)
followed by a
Formal meeting (Committee of Ministers Meeting Room)

2 pm: Lunch - Buffet hosted by the Chairman of the Committee of Ministers (Council of Europe Restaurant)

3 pm : Press conference given by the Chairman of the Committee of Ministers and the Secretary General

APPENDIX 8
(item 3.1.b)

DECISION No. CM/605/131094

Ad hoc terms of reference

1. Name of committee : STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)
2. Source of terms of reference : Committee of Ministers
3. Completion date : 31 July 1995
4. Terms of reference :
To give an opinion on Recommendation 1246 (1994) of the Parliamentary Assembly on the abolition of capital punishment.
5. Other Committee to be informed of terms of reference :
- European Committee on Crime Problems (CDPC)

APPENDIX 9
(item 3.1.b)

DECISION No. CM/606/131094

Ad hoc terms of reference

1. Name of committee : EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)
2. Source of terms of reference : Committee of Ministers
3. Completion date : 31 July 1995
4. Terms of reference :

To give an opinion on Recommendation 1246 (1994) of the Parliamentary Assembly on the abolition of capital punishment.
5. Other Committee to be informed of terms of reference : - Steering Committee for Human Rights (CDDH)

APPENDIX 10
(item 3.1.b)

DECISION No. CM/607/131094

Ad hoc terms of reference

1. Name of committee : EDUCATION COMMITTEE (CC-ED) OF THE COUNCIL FOR CULTURAL CO-OPERATION (CDCC)
2. Source of terms of reference : Committee of Ministers
3. Completion date : 30 June 1995
4. Terms of reference :

To give an opinion on Recommendation 1248 (1994) of the Parliamentary Assembly on education for gifted children.
5. Other Committee(s) to be informed of terms of reference :

APPENDIX 11

(item 3.2)

RESOLUTION (94) 26

**INVITATION TO THE PRINCIPALITY OF ANDORRA
TO BECOME A MEMBER OF THE COUNCIL OF EUROPE**

(Adopted by the Committee of Ministers on 13 October 1994
at the 518th meeting of the Ministers' Deputies)

The Committee of Ministers,

Considering the wish expressed by the Principality of Andorra to become a member of the Council of Europe;

Having taken note of the intention of the Government of the Principality of Andorra to sign the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocol No. 11 upon the deposit by the said Government of its instrument of accession to the Statute of the Council of Europe;

Expecting that these instruments will be ratified as soon as possible and that the said Government, on this occasion, will recognise the right of individual application under Article 25 and the compulsory jurisdiction of the Court under Article 46 of the Convention;

Having, in accordance with the provisions of Statutory Resolution (51)30A, consulted the Parliamentary Assembly, which has expressed a favourable opinion (Opinion No 182);

Noting the expectations of the Assembly and the assurances given by the Government of the Principality of Andorra;

Observing with satisfaction that the Principality of Andorra complies with the conditions laid down in Article 4 of the Statute;

Having regard to Article 16 of the Financial Regulations,

Resolves:

- i. to invite the Principality of Andorra to become a member of the Council of Europe and accede to the Statute;
- ii. to fix at two the number of Representatives of the Principality of Andorra in the Parliamentary Assembly;
- iii. to determine the Principality of Andorra's various proportionate financial contributions to the Council of Europe according to the Appendix to this Resolution of which it forms an integral part;

Instructs the Secretary General to notify the Government of the Principality of Andorra of these decisions and to make all necessary arrangements for their implementation.

Appendix to Resolution (94) 26

1. The Committee of Ministers, in accordance with Resolution (74)25, as further amended and taking account of the decision of the Committee of Ministers concerning the calculation of scales of contribution at the 449th meeting of Ministers' Deputies, fixes the proportion of the contribution of the Principality of Andorra to the ordinary and pensions budget at 0,12%.
2. The Committee of Ministers, in accordance with Resolution (86)30, fixes the proportion of the contribution of the Principality of Andorra for the financing of the Human Rights Building at 0,11%.
3. The amount which the Principality of Andorra is to contribute to the Working Capital Fund, calculated in accordance with the same percentage as for the ordinary budget, is 22,800 FF which is added to the Fund's present total.

APPENDIX 12

(item 6.1.b)

RECOMMENDATION No. R (94) 9

**OF THE COMMITTEE OF MINISTERS TO MEMBER STATES
CONCERNING ELDERLY PEOPLE**

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

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

Considering that the aim of the Council of Europe is the achievement of greater unity among its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress;

Bearing in mind the right to respect for private and family life as defined in Article 8 of the European Convention on Human Rights;

Bearing in mind the Declaration on equality between women and men, adopted by the Committee of Ministers at its 83rd Session (16 November 1988);

Welcoming the designation by the European Community of the year 1993 as "European Year of Older People and Solidarity between the Generations", and the Declaration of Principles of the Council of the European Union and the Ministers of Social Affairs in the framework of the Council, 6 December 1993 (OJ 93/C343/01 of 21/12/93);

Taking account of the legal instruments of the United Nations entities concerning older persons;

Bearing in mind the wide range of legal instruments already prepared by the Council of Europe which take into account the social, economic, and cultural specificities of elderly people, and of the many legal instruments which take older people in the family context into consideration;

Considering the demographic changes in Europe and the ever-increasing number of elderly people in our societies;

Considering that the great increase in life expectancy which has taken place during this century, and which is structural, should be perceived not as a burden for society to bear but as a positive trend which opens up new perspectives for younger people;

Considering nevertheless the possibility that many people, already disadvantaged when younger, may become doubly disadvantaged as they enter old age;

Considering that differences in life-conditions between men and women, as a consequence of family patterns and status, may increase in older age and can contribute to the effects of social exclusion, especially for older women living alone;

Considering the importance of adequate financial resources for carrying out planned and proposed measures in the member States,

Recommends that the governments of member states adopt suitable measures for elderly people, in accordance with the guiding principles appended hereto.

Appendix to Recommendation No. R (94) 9

Guiding principles to be taken into account when taking measures concerning elderly people

Ageing as a process

Ageing is a process : being old depends on individual circumstances and wider environment, and the functional handicaps related to ageing begin to show gradually. It is therefore useless to attempt to define exactly when old age begins. It is necessary on the other hand to prepare oneself to age well.

The majority of elderly people manage their own lives, in an autonomous manner, and are in principle not more dependent than the population is as a whole.

There will be a greater proportion of elderly and very old people in society which will have consequences for all sectors of government policies. Governments should take the appropriate measures in these fields, adapting finances if necessary.

The specific role of elderly people, and solidarity between generations

Elderly people form an important human, social and economic resource within society.

In a rapidly changing society, elderly people transmit timeless values to the younger generations.

Solidarity between generations is of great importance and should be encouraged both in the family and on the individual level as well as on the private and public institutional level.

Elderly people have a positive role to play in maintaining relationships between generations, both in the family and in the community, and in particular in the transmission of their experience, knowledge and know-how.

Prevention and the quality of life

Preventive policies aimed at enabling people to age well and to avoid as much as possible becoming dependent are necessary to start dealing with ageing at an early age.

Longer life should not mean diminished enjoyment of life: people should have the opportunity of maintaining enriching social and individual activities and occupations.

Society should enable elderly people, including those who live in institutions, to lead lives which are as autonomous as possible, taking into account their handicaps.

Elderly people should be able to live in security, wherever they are, free from fear of exploitation or of physical or mental abuse.

The necessary steps should be taken by society to ensure for elderly people that care will be available in the future whenever they need, promoting thereby a feeling of security and an improved quality of life.

Rights and duties

Elderly people have the same entitlement to human dignity as other members of society, and therefore to the same rights and duties: in particular, elderly people should retain their right to self-determination, and should exercise their choices appropriately, taking into account the different stages in their ageing.

Society owes it to itself to recognise the past and present active role and contribution of elderly people.

The human rights of increasingly vulnerable people must be particularly safeguarded.

Modern technology can make a substantial contribution to the maintenance of the autonomy of elderly people. Public authorities should promote this.

Participation

Elderly people should be entitled to equal participation at all levels and in all fields, whether social, cultural or political.

Elderly people should be able to participate in the establishment and the provision of services for themselves, including in their setting up, management and evaluation.

Society has a responsibility to help create arenas of participation, to prepare the conditions for self-help groups and thus contribute positively to prevent isolation.

Society should increase or facilitate activities for elderly people, especially those who live in institutions, by providing opportunities for social, cultural and individual activities in a manner that secures self-determination and freedom of choice for the people concerned.

It is important for every citizen to participate in society and to engage in meaningful paid or unpaid activities according to their age and possibilities. This will give them a meaningful life, avoid loneliness, and add to their integration into society.

Fighting against and preventing social exclusion

The State, voluntary welfare organisations, the local community and the family should aim to promote the social integration of elderly people, in order to prevent their social exclusion in all its forms, whatever their ethnic or national origin, family status, language, religion, or social condition.

Adequate housing and social protection systems that take into consideration the needs of particularly vulnerable groups are an essential factor in preventing social exclusion.

Governments need to be aware of the specific problems of elderly migrants and refugees.

The role of information and education

The importance of information and education for elderly people themselves, for families, for professional and voluntary workers, and for the community as a whole, needs to be recognised.

Appropriate information and education can increase family and public sensitivity to the issues of relevance to elderly people, and in particular enhance positive perceptions of the role of elderly people in society.

In this respect the media have a crucial role to play in the dissemination of information and in the promotion of educational programmes.

APPENDIX 13

(item 6.2.b)

RECOMMENDATION No. R (94) 10

**ON EARLY PHARMACOLOGICAL INTERVENTION
AGAINST HIV INFECTION**

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

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

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

Aware that early pharmacological intervention programmes for people infected with human immunodeficiency virus (HIV) are being developed in order to prevent or delay symptoms of the disease as much as possible;

Aware that HIV infection represents a major challenge to public health authorities in the absence of vaccine and curative treatment;

Conscious in particular of the ethical issues in health care and social settings arising from the need to balance individual and collective rights in the fight against infection;

Believing that respect for the human and social rights of individuals living with HIV and patients suffering from an acquired immunodeficiency syndrome (Aids) is crucial for the success of a preventive public health policy;

Bearing in mind the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms and of the European Social Charter;

Having regard to Recommendation No. R (87) 25 concerning a common European public health policy to fight Aids, and in particular the recommendations concerning the implementation of a comprehensive information strategy, and to Recommendation No. R (89) 14 concerning the ethical issues of HIV infection in the health care and social settings, and in particular the issues on voluntary testing and screening;

Taking account of the fact that drugs available to slow down the progression of the infection are already available or will become available in the future;

Considering that such drugs have been of benefit to some patients;

Considering that the risks and benefits of early pharmacological intervention should be carefully assessed for both the individual and society,

Recommends that governments of member states:

- i. develop early pharmacological intervention programmes only in addition to primary prevention, which should remain a top priority against the spread of HIV infection;
- ii. introduce early pharmacological intervention programmes in the light of the possibilities and benefits of treatment. If the benefit is clear, those programmes should be further promoted;
- iii. make information accessible to the population at risk, and include in this information possible benefits as well as disadvantages of early pharmacological intervention;
- iv. reconfirm their policy against discrimination and social exclusion of people with HIV, in respect of the new possibilities of early pharmacological intervention;
- v. support self-help groups at local, regional and national level;

- vi. create optimal conditions for early pharmacological intervention, in particular:
 - a. provision of general information on the possibilities of early pharmacological intervention, availability of sufficient facilities for pre-test and post-test counselling, anonymous and voluntary testing, and social and psychological support;
 - b. availability of professional care-givers who should ensure that before entering an early pharmacological intervention programme individuals are fully informed of all implications of pharmacological intervention including risks and benefits;
 - c. guarantees that an individual's choice not to start an early pharmacological intervention programme should not influence access to other appropriate care and treatment;
 - d. full protection of a person's privacy, as well as full respect for a person's free choice.

APPENDIX 14
(item 6.2.c)

RECOMMENDATION No. R (94) 11

ON SCREENING AS A TOOL OF PREVENTIVE MEDICINE

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th 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 public health field;

Noting that chronic diseases are the major causes of death and a high social and economic burden in developed countries;

Considering that screening for the early detection of some of these diseases, could in principle provide a method for their control;

Considering that, as yet, there is no absolute proof of the value of screening and early treatment in most diseases;

Considering that few, if any, diseases can at the present time be regarded as fulfilling all the desirable criteria for screening, and that the recommended evaluative procedures are not often carried out in full;

Recognising that the implementation of widespread screening programmes raises major ethical, legal, social, medical, organisational and economic problems which require initial and ongoing evaluation;

Taking into account the provisions of the Convention of Human Rights and of the European Social Charter;

Bearing in mind the Convention for the protection of individuals with regard to automatic processing of personal data of 28 January 1981, as well as the provisions of Recommendation No R (81) 1 on regulations for automated medical banks and Recommendation No R (83) 10 on the protection of personal data used for purposes of scientific research and statistics;

I. Recommends to governments of member states that they take account in their national health planning regulations and legislation of the conclusions and recommendations set out in the appendix to this recommendation.

Appendix to Recommendation No. R (94) 11

1. Introduction

1.1 For the purposes of this Recommendation, screening means applying a test to a defined group of persons in order to identify an early stage, a preliminary stage, a risk factor or a combination of risk factors of a disease. In any case it is a question of detecting phenomena, which can be identified prior to the outbreak of the disease.

1.2 The object of screening as a service is to identify a certain disease or risk factor for a disease before the affected person spontaneously seeks treatment, in order to cure the disease or prevent or delay its progression or onset by (early) intervention.

1.3 The value of existing forms of screening for infectious diseases is fully acknowledged but these established methods are not considered in detail in this recommendation. Emphasis is made on screening for chronic degenerative non-communicable disorders.

1.4 Screening is only one method of controlling disease. It should be viewed in the whole context of reducing the burden of ill health to the individual and the community by, for example, socio-economic, environmental measures, health education and improvement of existing health care and disease prevention systems.

1.5 Environmental factors are recognized as important contributors to disease, but inherited factors may also play an important role. With the advent of new genetic knowledge, an increasing number of genetic diseases and genetic risk factors for disease will be identified and offer the possibility for new screening procedures. As the procedures for genetic screening are not fully established nor fully evaluated, they have not been included in this recommendation.

1.6 The present position is that the implementation of screening in European countries is fragmentary, with few national screening programmes for the total population but many screening schemes restricted to population groups.

1.7 Because there are differences in health needs and health services, as well as in ethical values and in legal norms and rules between countries, the decision to implement a particular screening programme should be taken in cooperation with the medical profession by each country. Nevertheless there are common general principles and problems which are equally relevant to all systems.

1.8 Screening is a tool which is potentially capable of improving the health of the population but it has also adverse effects. Constant care should be taken to ensure that in any screening programme the advantages prevail over the disadvantages.

1.9 The general benefits of screening are often described. It is however also important to be aware of the adverse effects which can be :

- stigmatisation and/or discrimination of (non) participants,
- social pressure to participate in the screening and undergo the intended treatment/intervention,
- psychological distress where there is no cure for the disease or where the treatment and/or intervention is morally unacceptable to the individual concerned,
- exposure to physical and psychological risks with limited health gains,
- creation of expectations which probably can not be fulfilled,
- individuals who are positively screened might experience difficulties as to access to insurance, jobs, etc.

- severe side effects of invasive clinical diagnosis of false positives,
- delay in diagnosing false negatives,
- unfavourable cost-benefit relationship of a screening programme.

1.10 The various problems which are encountered in the introduction and provision of screening services are interrelated. Nevertheless a distinction may be made between those concerned with:

- i. ethical and legal issues,
- ii. selection of diseases (medically) suitable for screening,
- iii. economic aspects and evaluation of screening,
- iv. quality assurance,
- v. organisation of a screening programme,
- vi. scientific research.

2. Ethical and legal values

2.1 Effectiveness is a necessary prerequisite for the screening to be ethical. It should nonetheless be kept in mind that screening can be effective and still unethical.

2.2 Advantages and disadvantages of screening for the target population and the individual must be well balanced, taking into account social and economic costs, equity as well as individual rights and freedoms.

2.3 Failure to make known information on the positive and negative aspects of the screening is unethical and infringes the autonomy of the individual.

2.4 The decision to participate in a screening programme should be taken freely. The diagnoses and treatments which may follow the screening should also require a free and separate consent. No pressure should be used to lead somebody to undergo any of these procedures.

2.5 The right to privacy requires that the results of the tests as a general rule are not communicated to those who do not wish to be informed, are collected, stored, and handled confidentially, and adequately protected. It is preferable not to screen individuals who do not wish to be informed of the results of the screening.

2.6 Neonatal screening can only be justified if the intervention is of direct health benefit to the child. Otherwise screening should be postponed until the child can decide for itself.

2.7 No personal data derived from the screening should be communicated to third parties unless the data subject has given consent to it or in accordance with national law.

2.8 When a screening programme is provided as a service and conducted also for research purposes, the decision to make available personal medical data stemming from the screening programme for research purposes should be taken freely, without undue pressure.

The decision not to take part in the research should not in any way prevent the individual from participating in the screening programme.

3. Criteria for selecting diseases suitable for screening

3.1 The disease should be an obvious burden for the individual and/or the community in terms of death, suffering, economic or social costs.

3.2 The natural course of the disease should be well-known and the disease should go through an initial latent stage or be determined by risk factors, which can be detected by appropriate tests. An appropriate test is highly sensitive and specific for the disease as well as acceptable to the person screened.

3.3 Adequate treatment or other intervention possibilities are indispensable. Adequacy is determined both by proven medical effect and ethical and legal acceptability.

3.4 Screening followed by diagnosis and intervention in an early stage of the disease should provide a better prognosis than intervention after spontaneously sought treatment.

4. Economic aspects

4.1 The increasing financial burden of health care makes it necessary to assess the economic aspects of screening. However these aspects should not be the overriding consideration. In all screening programmes human consideration regarding the value and quality of life, life expectancy as well as respect for individual rights are of prime importance.

4.2 Economic assessments are necessary to enable rational decisions to be made on the priority to be given to alternative ways of using health resources.

4.3 Measurement of the economic aspects of screening is not fully mastered. Early detection and treatment may be less expensive than late treatment. However, available studies relate only to present screening costs and further work is necessary to determine possible cost control in the long term.

4.4 Non systematic screening or spontaneous screening results in high marginal costs. Only systematic screening is able to provide means for controlling cost. Therefore, constant care should be taken to ensure that in any screening programme the allocated resources are used in an optimal way.

5. Quality assurance

5.1 Screening should aim at the highest possible standards of quality from the medical and organisational point of view.

5.2 Because of the expectations that screening creates as well as its adverse effects, screening should meet the highest quality assurance standards in all its aspects.

5.3 An assessment of the scientific evidence of the effectiveness of screening in the control of a disease should be made by experimental studies before introducing a screening programme as a service. The practical arrangements for a mass screening, which are directly linked to the health structures and systems, should obtain the same effectiveness as that obtained in the randomised trial.

Appendix 14

5.4 Having implemented a screening programme, it should be subjected to continuous independent evaluation. Evaluation will facilitate adaptation of the programme, correction of deficiencies noted and verification of achievement of objectives. The adverse effects of the screening programme should not be ignored in the evaluation which should be carried out by independent public health experts.

5.5 If quality assurance standards are not met in the long term it should be possible for the screening programme to be corrected, and if not possible stopped.

5.6 The programme must evaluate participation, and cover rate of the target population, the technical quality of testing and the quality of diagnosis and treatment provided for follow-up of persons having a positive test result.

Severe side effects of false positives should be revealed and evaluated.

5.7 There is a need for more teaching of medical students in epidemiology and its application to measuring the effects of screening. Similarly post-graduate education in this field is also needed to enable practising doctors to understand the principles and evaluation of screening.

5.8 Provision of screening programmes requires that training in techniques and interpretation of screening tests is included in undergraduate and post-graduate medical teaching programmes.

5.9 A screening programme requires resources in both staff and technical facilities for carrying out the screening tests. In many instances tests can be performed by non medical staff. Provision should be made for initial and further training of the medical and technical staff who will be involved in performing the screening tests and interpreting their results. Technical methods, including automated techniques, are useful in screening for some diseases. Quality of screening methods should be monitored.

6. Organisation

6.1 The organising body of a screening programme should be held responsible throughout the programme. The organisation of a screening programme should comply with what is described in national guidelines and protocols.

6.2 Within the organisational framework the target population should be defined (by age or otherwise) as well as the frequency of screening tests and the general and specific objectives and quality assurance guidelines.

6.3 It must be stressed that screening cannot succeed without co-operation between preventive and curative systems. Organisation must be tailored to the structures of the health system. If appropriate structures in the curative health care system are lacking, screening should not be implemented until they are developed (ex. pilot programmes). There are various degrees to which screening services may be integrated with curative services or develop as a separate speciality. The advantages and disadvantages of these should be assessed separately in different health care systems.

6.4 Provisions should be made for the financing of the programme, the cost of organising and evaluating structure, the cost of testing, the cost of quality assessment and monitoring, and the cost of the follow-up care of those people who screen positively.

6.5 Process and outcome indicators should be constantly evaluated.

6.6 Systematic collection of data is required in screening programmes to serve the needs of the individual and of the health service. To that end, data should be collected on the target population, on persons screened (with dates and the results of the test carried out), and on the results of eventual diagnostic examinations. Access to a morbidity register considerably facilitates evaluation.

6.7 Adequate protection of all data collected by means of a screening programme should be guaranteed.

6.8 Participation of the public in screening programmes is determined by personal factors (e.g. attitudes, motivation, anxiety) and by situational factors (e.g. waiting time, efficient organisation). These can be influenced for instance by health education and by good organisation of the screening procedure.

6.9 In order to ensure optimal participation by the target population, the best possible information should be widely provided and awareness-raising and education programmes should be organised for both the target population and the health professionals.

6.10 Invitations should be accompanied by written information on the purposes and effectiveness of the programme, on the test, on potential advantages and disadvantages, on the voluntary nature of participation and on how data will be protected. It should be announced, for those who would be in need of it, where further information can be obtained.

6.11 Participants should be informed on how, when and where their test results will be available or will be communicated to them.

6.12 The positive results found at screening should always be confirmed by subsequent diagnostic tests before commencing a treatment/intervention, unless the screening test is a diagnostic test. It is absolutely essential that adequate diagnostic facilities are available to confirm or reject the screening finding as soon as possible. Similarly, treatment facilities must be available and easily accessible to the confirmed cases. The work load placed on the health services by screening can be very large, especially since most screening programmes also lead to incidental pathological findings unrelated to the disease at which the programme is aimed.

6.13 Combining screening for several diseases into a multiple screening procedure may seem to be of convenience to the individual and of economy to the programme, but such a 'package deal' may negatively influence the extent to which most of the criteria for screening including age limit and frequency would be met.

7. Research

7.1 Research into new, more effective, screening tests must be encouraged and the long-term effects of the various methods of treatment and provision for positive subjects studied. Research must be further developed to answer the numerous social, ethical, legal, medical, organisational and economic questions as well as psychological problems raised by screening, on which evidence is incomplete.

7.2 Quality assurance concerning research programmes should be conducted into the effectiveness of the various screening tests, the practical arrangements for screening, the measures to increase participation, the means of improving test efficiency, follow-up to and provisions for screened positive assessment process and all the economic aspects.

7.3 Information gathered during screening should be available for the purpose of scientific research, for the improvement of health services, and for the benefit of future screening, however taking into account full respect of autonomy and confidentiality and privacy rules.

8. General remarks

8.1 It is particularly important that political decision-makers and target groups should be kept informed of the current state of knowledge about the value of screening for particular diseases. Improved communication should be encouraged.

8.2 Governments should promote the research and evaluation necessary for assessing the value of both new and existing programmes. This form of research necessarily means large-scale research which, in some instances, may be designed as international collaborative studies. Scientific evaluation is the only way in which the positive and negative effects of screening can be assessed in order that a rational decision can be taken on whether a screening programme should be implemented and resources should be allocated.

*) **Quality assurance** (as defined by the WHO) :

"All those planned and systematic actions necessary to provide adequate confidence that a structure, system or component will perform satisfactorily in service (ISO 6215-1980). Satisfactory performance in service implies the optimum quality of the entire diagnostic process i.e., the consistent production of adequate diagnostic information with minimum exposure of both patients and personnel".

Quality control (as defined by the WHO) :

"The set of operations (programming, coordinating, carrying out) intended to maintain or to improve [...] (ISO 3534-1977). As applied to a diagnostic procedure, it covers monitoring, evaluation and maintenance at optimum levels of all characteristics of performance that can be defined, measured, and controlled".

APPENDIX 15

(item 6.4.b)

RESOLUTION AP (94) 1

ON THE RATIONAL USE OF MEDICINES

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

The Representatives on the Committee of Ministers of Belgium, France, Germany, Italy, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, these states being parties to the Partial Agreement in the social and public health field, and the Representatives of Austria, Denmark, Finland, Ireland, Spain and Switzerland, states which have participated in the public health activities carried out within the above-mentioned Partial Agreement since 1 October 1974, 2 April 1968, 20 June 1991, 23 September 1969, 21 April 1988 and 5 May 1964, respectively,

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

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

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

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

Being aware of the need for integrated action with a view to rationalising the use of medicines;

Recalling the three criteria: safety, efficacy, quality - which govern authorisation for placing a medicine on the market, these criteria having been enshrined by the European Community in Council Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products;

Considering that measures are needed to constrain the growth of pharmaceutical expenditure while maintaining the efficiency of the health care system and respect for the professional freedom of health professionals;

Considering that the promotion of the rational prescription of medicines necessitates the supply of independent and objective information on medicines to the medical profession so as to enable the prescriber to choose the most suitable medicine in terms of efficacy/innocuousness and benefit/cost for health;

Considering that it is necessary to develop clinical pharmacy and clinical pharmacology both in hospitals and in the community;

Considering that the updating of initial knowledge and the acquiring of new knowledge are essential to health professionals if they are to maintain the level of their professional competence during the exercise of their functions;

Considering that educational programmes should be directed mainly towards improving compliance with medicinal treatments and that there is a need for health education programmes in schools;

Recalling Recommendation No. R (88) 7 on school health education and the role and training of teachers, adopted on 18 April 1988 by the Committee of Ministers of the Council of Europe;

Considering that measures must be taken to avoid wastage of medicines;

Considering that the refinement of the range of medicines on the market should follow a benefit/risk approach,

Recommend that the governments of the seven states parties to the Partial Agreement, as well as those of Austria, Denmark, Finland, Ireland, Spain and Switzerland, when drafting legislation on the rational use of medicines, have regard to and rely upon the measures set out in the Appendix to this Resolution.

Appendix to Resolution AP (94) 1

Measures for the rational use of medicines

1. *Establishment of priorities for availability of medicines at public expense*

To optimise the use of resources in health care, priority for availability of medicines at public expense should be on the basis of clinical need, therapeutic value and efficacy in comparison with other medicines.

2. *Rational prescription of medicines*

To facilitate the prescribing of effective, low-cost medicines a coherent policy for the distribution of objective and independent information on medicines should be implemented. This information should be addressed to the medical and pharmaceutical professions and be in accord with the most up-to-date scientific evidence, notably as contained in information bulletins - such as those on the rational use of drugs issued by the World Health Organisation - or as provided by impartial drug information centres and independent drug information bulletins.

The organisation of drug and therapeutics committees, composed of multidisciplinary groups, should be encouraged. They should have a consultative role enabling them on the one hand to resolve problems involved in the prescription, selection, administration and supply of medicines and, on the other hand, to devise a medicines policy applicable to all prescribers in a hospital or care unit. These drug and therapeutics committees should evaluate the quality of drug utilisation on a regular basis. Moreover, and this is an important point, consideration should be given to the setting up of such multidisciplinary groups in a community setting at a local level.

3. *Training of pharmacists*

Pharmacists and pharmacy students must have the appropriate initial training and further training opportunities which enable them to fully contribute to patient care. These should include not only the broad principles of public health, clinical pharmacy and applied pharmacology, pathology, therapeutics and pharmacy administration, but also encompass relevant aspects of communication sciences and of sociology. In this connection, reference should be made to Council of Europe Resolution AP (93) 1 on the role and training of community pharmacists, adopted by the Committee of Ministers on 23 November 1993, which makes specific recommendations in relation to such training.

4. *Development of clinical pharmacy*

The competent authorities should highlight the pivotal role to be played by the clinical pharmacist in the rational use of medicines both in hospitals and in the community setting.

5. *Establishing medicines education and information programmes for the public*

Information given by the mass media on the correct use of medicines and, indeed, any other material or activity for education on medicines should be framed in objective, neutral and easily comprehensible language. Ethical guidelines and regulations should be developed to this end. Similarly, school education should include preventive programmes dealing with the use of medicines. One of the duties of health care professionals is to provide appropriate information about medicines to the public. Because of their training and of the ease in which they may be consulted by the public, pharmacists have a key role to play in this respect.

6. *Refinement of the range of medicines on the market*

The refinement of the range of medicines on the market should be an institutionalised reassessment carried out systematically and coherently by the registration authorities on the whole range of medicines with a view to withdrawing those which are obsolete.

7. *Wastage of medicines*

It is important that wastage of medicines be reduced and that the issue be addressed in a systematic manner. The benefit/cost ratio should be evaluated at each stage: manufacture, prescription and supply. In the first stage, package sizes should be adapted to the posology and to the length of the treatment. In the second, expectations as regards medicines should be more realistic, and prescription and purchasing should be rationalised. Thirdly, the pharmacist should give the patient appropriate support and advice, throughout the period of treatment, with the aim in particular of improving adherence to the course of treatment prescribed, of enabling persons to better manage their own medicine cabinet, and of ensuring the safe collection (or disposal) of unused medicines.

APPENDIX 16
(item 9.3)

DECISION No. CM/603/101094

Ad hoc terms of reference

1. Name of committee : STEERING COMMITTEE ON LOCAL AND REGIONAL AUTHORITIES (CDLR)
2. Source of terms of reference : Committee of Ministers
3. Completion date : 30 June 1995
4. Terms of reference :

To give the Committee of Ministers the necessary information for replying to Recommendation 2 (1994) on monitoring the implementation of the European Charter of Local Self-Government the paragraph 7 of which sets out as follows: "to study these questions and to inform the CLRAE on the existence of:

 - a) judicial remedies to verify whether or not an internal piece of legislation would be in conformity with the Charter in States which ratified the Charter and where it has been incorporated into domestic law;
 - b) procedures of which local authorities could avail themselves to verify the conformity of an internal piece of legislation with the Charter in countries which ratified the Charter and where it has not been incorporated into domestic law".
5. Other Committee(s) to be informed of terms of reference :

APPENDIX 17
(item 9.3)

DECISION No. CM/604/101094

Ad hoc terms of reference

1. Name of committee : EUROPEAN SOCIAL SECURITY COMMITTEE (CDSS)
2. Source of terms of reference : Committee of Ministers
3. Completion date : 31 December 1994
4. Terms of reference :

To give an opinion on CLRAE Recommendation 5 (1994) on Europe and its elderly people: towards a pact between generations and conclusions of the Siena Conference and in particular on paragraph 1 concerning the Committee of Ministers set out as follows:

"to take stock of the implementation of Recommendations Nos. R (85) 9 on voluntary work in social welfare activities and R (91) 2 on social security for workers without professional status (helpers, persons at home with family responsibilities and voluntary workers)".
5. Other Committee(s) to be informed of terms of reference :

APPENDIX 18

(item 10.2)

RECOMMENDATION No. R (94) 12

**OF THE COMMITTEE OF MINISTERS TO MEMBER STATES
ON THE INDEPENDENCE, EFFICIENCY AND ROLE OF JUDGES**

(Adopted by the Committee of Ministers on 13 October 1994
at the 518th meeting of the Ministers' Deputies)

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

Having regard to Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention") which provides that "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law";

Having regard to the United Nations Basic Principles on the Independence of the Judiciary, endorsed by the United Nations General Assembly in November 1985;

Noting the essential role of judges and other persons exercising judicial functions in ensuring the protection of human rights and fundamental freedoms;

Desiring to promote the independence of judges in order to strengthen the Rule of Law in democratic states;

Aware of the need to reinforce the position and powers of judges in order to achieve an efficient and fair legal system;

Conscious of the desirability of ensuring the proper exercise of judicial responsibilities which are a collection of judicial duties and powers aimed at protecting the interests of all persons,

Recommends that governments of member states adopt or reinforce all measures necessary to promote the role of individual judges and the judiciary as a whole and strengthen their independence and efficiency, by implementing, in particular, the following principles:

Scope of the recommendation

1. This recommendation is applicable to all persons exercising judicial functions, including those dealing with constitutional, criminal, civil, commercial and administrative law matters.
2. With respect to lay judges and other persons exercising judicial functions, the principles laid down in this recommendation apply except where it is clear from the context that they only apply to professional judges, such as regarding the principles concerning the remuneration and career of judges.

Principle I - General principles on the independence of judges

1. All necessary measures should be taken to respect, protect and promote the independence of judges.
2. In particular, the following measures should be taken:
 - a. The independence of judges should be guaranteed pursuant to the provisions of the Convention and constitutional principles, for example by inserting specific provisions in the constitutions or other legislation or incorporating the provisions of this recommendation in internal law. Subject to the legal traditions of each state, such rules may provide, for instance, the following:
 - i. decisions of judges should not be the subject of any revision outside any appeals procedures as provided for by law;
 - ii. the terms of office of judges and their remuneration should be guaranteed by law;
 - iii. no organ other than the courts themselves should decide on its own competence, as defined by law;

- iv. with the exception of decisions on amnesty, pardon or similar, the government or the administration should not be able to take any decision which invalidates judicial decisions retroactively.
- b. The executive and legislative powers should ensure that judges are independent and that steps are not taken which could endanger the independence of judges.
- c. All decisions concerning the professional career of judges should be based on objective criteria, and the selection and career of judges should be based on merit, having regard to qualifications, integrity, ability and efficiency. The authority taking the decision on the selection and career of judges should be independent of the government and the administration. In order to safeguard its independence, rules should ensure that, for instance, its members are selected by the judiciary and that the authority decides itself on its procedural rules.

However, where the constitutional or legal provisions and traditions allow judges to be appointed by the government, there should be guarantees to ensure that the procedures to appoint judges are transparent and independent in practice and that the decisions will not be influenced by any reasons other than those related to the objective criteria mentioned above. These guarantees could be, for example, one or more of the following:

- i. a special independent and competent body to give the government advice which it follows in practice; or
 - ii. the right for an individual to appeal against a decision to an independent authority; or
 - iii. the authority which makes the decision safeguards against undue or improper influences.
- d. In the decision-making process, judges should be independent and be able to act without any restriction, improper influence, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason. The law should provide for sanctions against persons seeking to influence judges in any such manner. Judges should have unfettered freedom to decide cases impartially, in accordance with their conscience and their interpretation of the facts, and in pursuance of the prevailing rules of the law. Judges should not be obliged to report on the merits of their cases to anyone outside the judiciary.

- e.* The distribution of cases should not be influenced by the wishes of any party to a case or any person concerned with the results of the case. Such distribution may, for instance, be made by drawing of lots or a system for automatic distribution according to alphabetic order or some similar system.
 - f.* A case should not be withdrawn from a particular judge without valid reasons, such as cases of serious illness or conflict of interest. Any such reasons and the procedures for such withdrawal should be provided for by law and may not be influenced by any interest of the government or administration. A decision to withdraw a case from a judge should be taken by an authority which enjoys the same judicial independence as judges.
3. Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists.

Principle II - The authority of judges

1. All persons connected with a case, including state bodies or their representatives, should be subject to the authority of the judge.
2. Judges should have sufficient powers and be able to exercise them in order to carry out their duties and maintain their authority and the dignity of the court.

Principle III - Proper working conditions

1. Proper conditions should be provided to enable judges to work efficiently and, in particular, by:

a. recruiting a sufficient number of judges and providing for appropriate training such as practical training in the courts and, where possible, with other

authorities and bodies, before appointment and during their career. Such training should be free of charge to the judge and should in particular concern recent legislation and case-law. Where appropriate, the training should include study visits to European and foreign authorities as well as courts;

b. ensuring that the status and remuneration of judges is commensurate with the dignity of their profession and burden of responsibilities;

c. providing a clear career structure in order to recruit and retain able judges;

d. providing adequate support staff and equipment, in particular office automation and data processing facilities, to ensure that judges can act efficiently and without undue delay;

e. taking appropriate measures to assign non-judicial tasks to other persons, in conformity with Recommendation No. R (86) 12 concerning measures to prevent and reduce the excessive workload in the courts.

2. All necessary measures should be taken to ensure the safety of judges, such as ensuring the presence of security guards on court premises or providing police protection for judges who may become or are victims of serious threats.

Principle IV - Associations

Judges should be free to form associations which, either alone or with another body, have the task of safeguarding their independence and protect their interests.

Principle V - Judicial responsibilities

1. In proceedings, judges have the duty to protect the rights and freedoms of all persons.
2. Judges have the duty and should be given the power to exercise their judicial responsibilities to ensure that the law is properly applied and cases are dealt with fairly, efficiently and speedily.
3. Judges should in particular have the following responsibilities:
 - a. to act independently in all cases and free from any outside influence;
 - b. to conduct cases in an impartial manner in accordance with their assessment of the facts and their understanding of the law, to ensure that a fair hearing is given to all parties and that the procedural rights of the parties are respected pursuant to the provisions of the Convention;
 - c. to withdraw from a case or decline to act where there are valid reasons, and not otherwise. Such reasons should be defined by law and may, for instance, relate to serious health problems, conflicts of interest or the interests of justice;
 - d. where necessary, to explain in an impartial manner procedural matters to parties;
 - e. where appropriate, to encourage the parties to reach a friendly settlement;
 - f. except where the law or established practice otherwise provides, to give clear and complete reasons for their judgments, using language which is readily understandable;
 - g. to undergo any necessary training in order to carry out their duties in an efficient and proper manner.

Principle VI - Failure to carry out responsibilities and disciplinary offences

1. Where judges fail to carry out their duties in an efficient and proper manner or in the event of disciplinary offences, all necessary measures which do not prejudice judicial independence should be taken. Depending on the constitutional principles and the legal provisions and traditions of each state, such measures may include, for instance:

- a.* withdrawal of cases from the judge;
- b.* moving the judge to other judicial tasks within the court;
- c.* economic sanctions such as a reduction in salary for a temporary period;
- d.* suspension.

2. Appointed judges may not be permanently removed from office without valid reasons until mandatory retirement. Such reasons, which should be defined in precise terms by the law, could apply in countries where the judge is elected for a certain period, or may relate to incapacity to perform judicial functions, commission of criminal offences or serious infringements of disciplinary rules.

3. Where measures under paragraphs 1 and 2 of this article need to be taken, states should consider setting up, by law, a special competent body which has as its task to apply any disciplinary sanctions and measures, where they are not dealt with by a court, and whose decisions shall be controlled by a superior judicial organ, or which is a superior judicial organ itself. The law should provide for appropriate procedures to ensure that judges in question are given at least all the due process requirements of the Convention, for instance that the case should be heard within a reasonable time and that they should have a right to answer any charges.

APPENDIX 19

(item 11.1)

RESOLUTION (94) 27

**ON REVISION OF THE REGULATIONS
GOVERNING STAFF SALARIES AND ALLOWANCES**

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 16 of the Statute of the Council of Europe,

Having regard to Resolution (81)18 on the Regulations governing staff salaries and allowances, to Resolution (81)20 on the Council of Europe's Staff Regulations incorporating the regulations concerning salaries and allowances as Appendix IV to the said Staff Regulations, and to the 150th Report by the Coordinating Committee of Government Budget Experts (CCG) (CCG(78)4) concerning adjustment of pensions;

Having regard to the 40th report of the Co-ordinating Committee on Remuneration and the recommendations contained therein, approved by the Committee of Ministers at the 518th meeting of the Deputies (10 October 1994);

Whereas, as a result of that approval, the Regulations governing salaries and allowances of Council of Europe staff need to be revised;

At the proposal of the Secretary General,

Resolves as follows:

Single article :

The relevant tables appended to the Regulations governing staff salaries and allowances, setting out the basic salary scales and other elements of remuneration, are replaced -as regards the salary scales for the Netherlands and the allowances fixed in absolute terms, with effect from 1 January 1994, and as regards the remainder, with effect from 31 December 1994- by the tables applicable to Council of Europe Secretariat staff which are appended to the 40th report of the Co-ordinating Committee on Remuneration (CM(94)131 - Addendum I), with the exception of the salary scales for B and C grade staff members for France, Belgium and Germany which are replaced by the salary scales set out in document CM(94)131 - Addendum II.

APPENDIX 20
(item 11.1)

RESOLUTION (94) 28

ON THE REMUNERATION OF SPECIALLY APPOINTED OFFICIALS

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 16 of the Statute of the Council of Europe,

Having regard to Resolution (71)8 on the remuneration of specially appointed officials of the Council of Europe, as last amended by Resolution (94)5;

Having regard to the decision reached at the 518th meeting of the Ministers' Deputies (10 October 1994) approving the 40th report of the Co-ordinating Committee on Remuneration on the new salary scales for members of the permanent staff with effect from 31 December 1994;

Whereas, as a result of that decision, and in accordance with Article 2 of Resolution (71) 8 referred to above, new basic salary scales for the specially appointed officials of the Council of Europe need to be established,

Resolves as follows:

Single article:

The basic annual salaries laid down in Article 1, paragraph (a), of Resolution (71) 8, as last amended by Resolution (94)5, shall be adjusted as follows with effect from 31 December 1994:

- Secretary General FRF 885.024

- Deputy Secretary General and Clerk of
the Assembly having the rank of
Deputy Secretary General FRF 837.612

APPENDIX 21

(item 11.3)

RESOLUTION (94) 29

on the

**ACCOUNTS OF THE PARTIAL AGREEMENT OF THE EUROPEAN
SUPPORT FUND FOR THE CO-PRODUCTION AND DISTRIBUTION OF
CREATIVE CINEMATOGRAPHIC AND AUDIO-VISUAL WORKS
("EURIMAGES")**

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 16 of the Statute of the Council of Europe, and with its composition limited to the Representatives of the States which were Party in 1993 to the Partial Agreement of the European Support Fund for the co-production and distribution of creative cinematographic and audio-visual works ("Eurimages") (1),

- | | |
|---------------|--|
| HAVING REGARD | to Article 1, paragraph 2, of the Financial Regulations of the "Eurimages" Fund; |
| HAVING REGARD | to Article 79 of the Financial Regulations of the Council of Europe; |
| HAVING REGARD | to the 1993 accounts of the Partial Agreement of the European Support Fund for the co-production and distribution of creative cinematographic and audio-visual works ("Eurimages"), as presented by the Secretary General; |

(1) States concerned: Austria, Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, Turkey and United Kingdom.

HAVING REGARD to the report of the Board of Auditors dated 24 June 1994 (CM (94) 31) drawn up in accordance with Rule 3 of Resolution (88) 15, as amended by Resolution (89) 6;

HAVING REGARD to the decisions taken by the Board of Management, at its meeting of 12 - 14 September 1994, concerning the presentation of the 1993 accounts,

RESOLVES AS FOLLOWS:

Single article:

The Secretary General is hereby discharged from his responsibilities in respect of his financial management of the Partial Agreement of the European Support Fund for the co-production and distribution of creative cinematographic and audio-visual works ("Eurimages") for the period 1 January -31 December 1993.

APPENDIX 22
(item 11.5)

RESOLUTION (94) 30

concerning the

**SPORTS FUND ACCOUNTS
FOR THE FINANCIAL YEAR 1993**

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 16 of the Statute of the Council of Europe,

- | | |
|---------------|---|
| HAVING REGARD | to Article 6, paragraph 4 (c), of the Statute of the Sports Fund; |
| HAVING REGARD | to the accounts of the Sports Fund for the financial year 1993 (CM (94) 26); |
| HAVING REGARD | to the Report of the Board of Auditors (CM (94) 30); |
| HAVING REGARD | to Resolution CDDS (94) 1 of the Steering Committee for the Development of Sport, |

RESOLVES AS FOLLOWS:

Single article:

The Secretary General is hereby discharged from his responsibility in respect of the financial management of the Sports Fund for the period 1 January - 31 December 1993.

APPENDIX 23

(item 11.6)

RESOLUTION (94) 32

**CONCERNING THE PARTIAL AGREEMENT ON THE
COUNCIL OF EUROPE SOCIAL DEVELOPMENT FUND**

1994 BUDGET

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 16 of the Statute of the Council of Europe, and with membership restricted to the Representatives of the States of the Council of Europe which are members of the Council of Europe Social Development Fund¹,

- HAVING REGARD to Resolution (56) 9 on the adoption of the Statute of the Council of Europe Resettlement Fund for National Refugees and Over-Population in Europe and to Resolution 22 (93);
- HAVING REGARD to Resolution 247 and 249 of 8 June 1993 of the Governing Body of the Social Development Fund;
- HAVING REGARD to Articles 5, 19 and 21 of the Financial Regulations;
- HAVING REGARD to Resolution (74) 25 of 28 June 1974, fixing the scale of contributions of member States to the Partial Agreement on the Council of Europe Social Development Fund budget, as last amended by Resolution (92) 38 of 27 November 1992;
- HAVING REGARD to Resolution (93) 65 of 10 December 1993 approving the budget of the Partial Agreement for 1994, as amended by Resolution (94) 15 of 31 May 1994;
- HAVING REGARD to the amendments to the budget of the Partial Agreement for 1994 submitted by the Secretary General (CM(94)114);

¹ States concerned: Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland and Turkey.

HAVING REGARD to the report on consultation of the Budget Committee dated 29 September 1994 (CM(94)135);

CONSIDERING that the appropriations entered in the 1994 budget of the Partial Agreement call for amendment,

RESOLVES AS FOLLOWS:

Article 1

Budget of Expenditure

The appropriations granted in the 1994 budget of expenditure of the Partial Agreement are increased by 70,000 F broken down as follows:

HEAD 1.2 - OTHER EXPENDITURE

Sub-head 1204bis	Expenditure relating to the workshop for users of loans of the Social Development Fund	70,000 F
------------------	--	----------

Article 2

Budget of Receipts

The estimate of receipts under Sub-head 1001 - Sundry receipts of the budget of receipts - of the Partial Agreement is increased by 70,000 F.

Article 3

Having regard to the initial appropriation and the amendments introduced by Resolution (94) 15 and by this Resolution, the budgets of expenditure and receipts are both increased from 9,756,000 to 9,826,000 F.

Article 4

The supplementary appropriations approved by this Resolution shall be financed from the pro rata temporis contribution of Bulgaria to the 1994 budget of the Partial Agreement, and do not require any additional payments by member States.

APPENDIX 24

(item 11.6)

RESOLUTION (94) 33

**CONCERNING THE PARTIAL AGREEMENT
ON THE EUROPEAN COMMISSION
FOR DEMOCRACY THROUGH LAW**

1994 BUDGET

(Adopted by the Committee of Ministers on 10 October 1994
at the 518th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 16 of the Statute of the Council of Europe and with membership restricted to the Representatives of the States of the Council of Europe which are members of the Partial Agreement on the European Commission for Democracy through Law (1),

HAVING REGARD to Resolution (90) 6 of 10 May 1990 setting up a Partial Agreement on the European Commission for Democracy through Law;

HAVING REGARD to Articles 5, 11, 19 and 21 of the Financial Regulations;

HAVING REGARD to Resolution (93) 72 of 10 December 1993 approving the budget of the Partial Agreement on the European Commission for Democracy through Law for 1994;

HAVING REGARD to the amendments to the budget of the Partial Agreement on the European Commission for Democracy through Law for 1994 submitted by the Secretary General (CM(94)114);

(1) States concerned: Austria, Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland and Turkey.

HAVING REGARD to the report on consultation of the Budget Committee, dated 29 September 1994 (CM(94)135);

CONSIDERING that the appropriations entered in the 1994 budget of the Partial Agreement call for amendment,

RESOLVES AS FOLLOWS:

Article 1

The appropriations granted in the 1994 budget of the Partial Agreement are increased by 100,000 F as follows:

HEAD 1.2 - OTHER EXPENDITURE
(New)

Sub-head 1209- Expenditure relating to the databank of constitutional case law	100,000 F
---	-----------

Article 2

The estimate of receipts under Sub-head 1001 - Sundry receipts - of the budget of receipts of the Partial Agreement is increased by 100,000 F.

Article 3

Having regard to the initial appropriations and the amendments introduced by this Resolution, the budgets of expenditure and receipts are both increased from 7,661,000 F to 7,761,000 F.

Article 4

The supplementary appropriations approved by this Resolution shall be financed from the contributions of Lithuania, Slovenia and Romania to the 1994 budget of the Partial Agreement and do not require any additional contributions from other member States.



Committee of Ministers
Comité des Ministres

Strasbourg, 5 December 1994

CONFIDENTIAL
CM/Del/Act(94)518

518th MEETING OF THE MINISTERS' DEPUTIES

(held in Strasbourg from 10 to 13 October 1994)

518th
RECORDS

CONFIDENTIAL

- i -

CM/Del/Act(94)518

TABLE OF CONTENTS

	Page
Introduction	1
2.1 Current political questions	
a. Relations with Countries of Central and Eastern Europe	5
2.2 Situation in Cyprus	7
4.1 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	
a. Hearing of the President	11
10.2 European Committee on Legal cooperation (CDCJ) - Draft Recommendation No. R (94).. of the Committee of Ministers to member States on the independence, efficiency and role of judges	17
11.1 Staff salaries - Co-ordinating Committee on Remuneration (CCR) - Annual adjustment of remuneration of the staff of the Co-ordinated Organisations at 1 January 1994 - 40th report	19
11.6 1994 Budgetary Situation	21
11.8 Financial contributions of the Principality of Monaco to the Cultural Fund and the Sports Fund	23

CONFIDENTIAL

- 1 -

CM/Del/Act(94)518
Introduction

At the opening of the meeting at B level, the Chairman welcomed Mr Aidan KIRWAN, who had recently been appointed Deputy Permanent Representative of Ireland and who, although based in Dublin, would participate in the meetings of the Committee. He wished him a pleasant stay whilst in Strasbourg.

He also welcomed Mr Carl ÄLFVÅG, who had recently been appointed Deputy Permanent Representative of Sweden and Mr Hasan ULUSOY, who had recently been appointed Deputy to the Permanent Representative of Turkey.

He wished them a fruitful co-operation within the Committee.

He hoped that the two colleagues who would be living in Strasbourg enjoy their stay here.

*

* *

At the opening of the A-level meeting, the Chairman welcomed Mrs Viera STRAZNICKA, Permanent Representative of Slovakia, who had recently taken up her functions at the Council of Europe and was attending her first meeting of the Committee.

He also welcomed Mr Augusto RUSSO DIAS, who had recently taken up his duties as Deputy Permanent Representative of Portugal.

He hoped that the newcomers would find their work with the Committee fruitful, and wished them an excellent stay in Strasbourg.

*

* *

CONFIDENTIAL

Introduction

- 2 -

The Chairman then reported briefly on the exchange of views held by the Bureau of the Deputies, on 9 September 1994, with Mr Ralph JOHNSON, the senior official responsible within the U.S. State Department for co-operation programmes with the countries of eastern Europe, who had been accompanied by Mrs Shirley BARNES, U.S. Consul General in Strasbourg.

Mr Johnson had explained that the American co-operation programmes, which were transitional in character, were intended to help the countries of eastern Europe to accede to democracy and the market economy, and that the level of US aid would depend on their capacity for reform. He had emphasised the role played by international organisations in promoting calm in certain countries, particularly by sending assistance missions, and had said that the Council of Europe's action in the field of legal training and judicial reform was fairly similar to that taken by the United States.

Concerning co-operation between the United States and the Council in these areas, Mr Johnson had been against the setting-up of new structures, and had suggested that co-operation should be agreed directly between the governments concerned. He had said that the Council could keep the American authorities in touch with its programmes through the Consulate General in Strasbourg, and had thought an exchange of information on programmes better than the planning of joint ones.

The Chairman said that, having made the point, at the end of the meeting, new attitudes were quite as necessary as sound legal bases in connection with these co-operation programmes, he had been able to conclude that the meeting itself had marked a useful step forward, and had expressed the hope that Mr Johnson would return to the Council of Europe to take the exercise further.

*

* *

The Chairman told the Committee that the Bureau had agreed, at the Finnish Delegation's request, to the holding of an exhibition, "Finland - 500 years on European maps", in the Foyer of the Committee of Ministers from 21 November to 16 December 1994.

Finding that the Committee had no objections, he noted that this proposal was accepted.

CONFIDENTIAL

- 3 -

Introduction

At a later stage in the A-level meeting, the Chairman welcomed Mr Theo LANSLOOT, Permanent Representative of Belgium, who had recently taken up his functions at the Council of Europe and was attending his first meeting of the Committee.

He added that Mr Lansloot was no stranger to many members, since he had chaired the OECD delegation on the OECD/Council of Europe liaison committees.

He hoped that he would find his work with the Committee fruitful and wished him an excellent stay in Strasbourg.

*

* *

Later in the meeting, the Chairman reminded the Deputies that they had agreed, at their 516th meeting in September, that the Bureau, enlarged to include all the delegations interested, would hold an exchange of views with Mr SERREQI, Minister of Foreign Affairs of Albania, on 23 September 1994. Mr Serreqi had been unable to come to Strasbourg on that date, and had suggested 19 or 20 October instead. Unfortunately, the Minister had now indicated that illness prevented him from coming to Strasbourg on those dates either. He had suggested that the meeting be arranged in the second half of November.

He also said that, in the light of the Committee's decision at its 511th meeting in April, concerning regular hearings with the Chairman of the Governing Body of the Social Development Fund, Mr dalla Chiesa had asked to meet the Committee: the Bureau suggested that the Deputies might hold an exchange of views with him in January 1995.

Finally, concerning the regular exchanges of views with the Secretary General of the Commission of the European Communities, he said that the Bureau suggested, following Secretariat contacts with Mr Williamson, that the next exchange of views should be held either on 15 November after the GREL meeting, which was due to start at 10 am, or on 16 November at 10 am during the human rights meeting, following the dates fixed for meetings of the Commission of the Communities during that period.

CONFIDENTIAL

- 5 -

CM/Del/Act(94)518
Item 2.1

2.1

CURRENT POLITICAL QUESTIONS

a.

**Relations with Countries of Central and Eastern Europe
(CM/Del/Dec/Act(94)516/2.1)**

The Representative of Greece declared that his delegation maintained its dissenting opinion about the Deputies' decision to instruct the Secretariat to make contact with the authorities of "the Former Yugoslav Republic of Macedonia", after the elections of 16 and 30 October 1994, with a view to arranging an exchange of views between a political personality and the Ministers' Deputies in Strasbourg in the framework of their political dialogue.

CONFIDENTIAL

- 7 -

CM/Del/Act(94)518
Item 2.2

2.2

SITUATION IN CYPRUS
(CM/Del/Dec/Act(94)516/2.2)

The Representative of Cyprus made the following statement:

"Mr Chairman,

Since our last meeting a few new developments took place as regards the situation in Cyprus, both at the United Nations and the European Union circles.

At the outset, I would like to refer to a letter, dated 7 September 1994, from President Clerides addressed to the United Nations Secretary General.

In his letter the President Clerides outlined his views on the failure of the UN negotiating process and on the ways to approach the issue with a view to achieving progress. In particular, he stressed Security Council Resolution 939/94, which provides for "a state of Cyprus with a single sovereignty and international personality and a single citizenship with its independence and territorial integrity safeguarded" and should form the basis for the future efforts towards achieving progress. The President expressed his willingness to enter into intensive negotiations once the other side unequivocally accepts this basic provision.

Concerning the lack of political will to find a solution to the Cyprus Problem, the UN Secretary General in his Report on the work of the Organisation he heads warned the sides that "unless they provide evidence, through concrete actions, of their commitment to a negotiated settlement, I will have to recommend that my mission of good offices be suspended."

Addressing the 49th UN General Assembly, on 3 October 1994, President Clerides urged the UN Security Council to "consider coercive measures against the side which is flouting its resolutions or to adopt other more effective procedures, such as the convening of an international conference, so that results can finally be achieved."

CONFIDENTIAL

Item 2.2

- 8 -

"Unless the aggressor is faced with progressively more severe consequences for its disregard of international legal order, a very bad example and precedent will be allowed to cast doubt on the international community's effectiveness", the President warned.

President Clerides charged that the Turkish-Cypriot side, with Turkey's backing, has now abandoned "federation as the basis for the solution and are promoting a loose confederation with separate sovereignty of its two component parts". As you are aware, the Greek and Turkish Cypriot sides signed two high-level agreements accepting a bizonal and bicommunal federation as the basis of a settlement in Cyprus.

In addition, the President made reference to the gross violations of human rights, mentioning all its facets, such as ethnic cleansing, displacement of persons, systematic demographic change in the occupied areas, harassment of the enclaved Greek-Cypriots and the drama of the relatives of the 1619 missing persons still unaccounted for.

Concerning the military build-up in Cyprus, President Clerides urged the Security Council to address the problem. He put forward his own proposal suggesting that the two community leaders make a solemn declaration renouncing the use of force against each other and prevent attacks. Moreover, he proposed to disband the National Guard, the Republic's armed forces, and deliver its weapons to UN custody, provided the Turkish-Cypriot side followed suit and the Turkish occupation troops withdraw from the island. Referring to notable successes through the solution of several regional issues (South Africa, Middle East Accord), the President expressed the hope that such catalytic evolution will not leave our own problem unaffected.

I must also mention, Mr Chairman, the speech delivered at the United Nations General Assembly by the German Foreign Minister, Mr Claus Kinkel, who, on behalf of the European Union, welcomed the significant progress made regarding the applications of Cyprus and Malta for membership of the European Union. Furthermore, he noted "that the next phase of enlargement of the Union will involve Cyprus and Malta under the conditions indicated by the Corfu European Summit".

In a parallel development the European Parliament within the framework of its Mediterranean Policy, adopted, here in Strasbourg, on 29 September a Resolution which "calls for an acceleration of the accession process so far as Cyprus and Malta are concerned". That much for the interest of the European Union.

CONFIDENTIAL

- 9 -

Item 2.2

In relation to the American interest regarding the Cyprus Problem, I could single-out the appointment of Mr Jim Williams to the post of the US State Department Special Co-ordinator for Cyprus. Mr Williams, who replaces Ambassador Robert Lamb, has served in both Athens and Ankara.

Last, but not least, within the framework of the American Senate's sensitivity to the issue of the 1619 missing persons since the 1974 invasion, I wish to inform you that last week the Senate adopted a Bill on the five missing American citizens. The Bill, moreover, stipulates for the investigation of the fate of the other 1614 missing persons. Shortly, the Bill will be forwarded to the White House for approval.

The latest development which I would like to report is the Meeting in London, on Monday 10 October 1994, between President Clerides and Foreign Secretary Douglas Hurd. A Foreign Office statement after the meeting said that Mr Hurd "assured President Clerides of the United Kingdom's commitment to a solution on the basis of two communities, one sovereignty". The Statement said "the Foreign Secretary is sympathetic to the sense of frustration in Cyprus at the current lack of movement".

Referring to Cyprus' Application for full membership of the European Union (EU), the Foreign and Commonwealth Office Statement said that Mr Hurd has "assured President Clerides that the United Kingdom will look at this aspect and at how the outcome of the 1995 review can make a positive contribution to the process".

Speaking after the 30-minute meeting with British Foreign Secretary Douglas Hurd, President Glafcos Clerides said "we stressed that this deadlock cannot continue and we must offer support to the UN Secretary General to invite both sides to enter discussions on the basis of the entire Resolution 939". The President said he reviewed the current situation in Cyprus and that both he and Mr Hurd had come to some conclusions. "We came to some conclusions, one could say unanimous conclusions. The first is that the maintenance of the Status Quo cannot be considered as a solution of the Cyprus problem". The second conclusion, the President added, was that the Cyprus issue must be solved on the basis of a bizonal Federation, with one sovereignty, one international personality, one citizenship and the equality of both communities, which both sides had accepted.

Speaking to the Press, Mr Hurd said "I agree and Her Majesty's Government agrees very strongly with President Clerides that the Status Quo is not a satisfactory or acceptable option. So we have to continue the search for a solution".

CONFIDENTIAL

Item 2.2

- 10 -

Noting that such a search "is primarily in the hands of the UN Secretary General, Mr Hurd said he discussed with President Clerides "the ways and means in which that search for a just and durable solution can be pursued and we will do our best to help that".

Concluding, Mr Chairman, I wish to state that in the quest for peace we must place above the interests of nations the universally accepted principles enshrined in the Charter. We firmly believe that the UN could become more effective through the implementation of its own resolutions and the mandatory provisions of its Charter.

May I ask you, Mr Chairman, to have this statement reflected in the records of this meeting.

Thank you, Mr Chairman."

CONFIDENTIAL

- 11 -

CM/Del/Act(94)518
Item 4.1

4.1

**EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT (CPT)**

a.

**Hearing of the President
(13 October 1994 at 3pm)
(CM(94)123)**

The President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment made the following statement:

"Mr Chairman, Mr Secretary General, ladies and gentlemen,

I must confess that this is the first time, in fifteen years, that I have made the journey from Luxembourg to Strasbourg with a certain sense of apprehension. Firstly, because I am appearing before the Committee of Ministers, which is a new experience for me. Secondly, because I know that I run the risk of disappointing you. In fact, I am far from matching the brilliance of my predecessor who was, among other things, in the habit of quoting to you fluently from the world's great - and possibly some of its less great - thinkers.

Mr Chairman, the Committee for the Prevention of Torture greatly appreciates the fact of its President's being invited to address you regularly, and even ventures to interpret this as a sign of your interest and support. Believe me when I say that I am sincerely grateful to you for allowing me to be with you here today.

You have before you the fourth general report on the CPT's activities. I do not intend to introduce or summarise it here. However, I should like, with your permission, to come back to a number of points which particularly concern us, and also to raise some new ones. I need hardly add that I am, of course, ready to discuss any question which the Committee itself may wish to raise.

Ladies and gentlemen, you are the representatives of the Council's member States, and it therefore seems natural to start by saying something about States' attitudes to the CPT.

CONFIDENTIAL

Item 4.1.a

- 12 -

You know that the Committee has, within a relatively short time, completed its first round of "periodic" visits to Parties to the Convention. I should like to emphasise that all the States have been extremely co-operative regarding the preparation and carrying out of the visits, follow-up action, and contacts resulting from requests for information addressed to them by the CPT. May I ask you to thank your authorities once again on the Committee's behalf?

At the same time, there is one small shadow on the picture. In the course of several visits, the CPT delegations found that the staff in charge of the institutions inspected and the judicial and medical authorities at local level knew very little about the Committee's terms of reference and activity - and were even, in some cases, unaware of its existence. As you can imagine, this does not make things easy for the visiting delegations. I should like to emphasise once again the importance of Parties giving the authorities concerned full information on the CPT's mandate and on their own obligations.

A year ago, my predecessor stressed the "remarkable fact" that many States had chosen to publish the confidential report sent them by the Committee after its visit. Today, it is safe to say that publication of the reports, with or without the government's response, has become the rule, non-publication the exception. Several reports have been published this year. The report sent to the Republic of San Marino was published yesterday. The Belgian, Greek and Italian Governments have also agreed to publication, and these reports will be coming out shortly. The CPT feels that this attitude reflects the openness of the Parties and the desire of governments to lay their cards on the table.

Finally, I should like to say a few words about the first meeting between the CPT and the liaison officers appointed under Article 15 of the Convention. On completing the first round of visits, we felt that the time had come to take stock and raise various questions of common interest - particularly questions concerning the visits - with the liaison officers. On 4 March 1994, I accordingly convened a meeting, at which thirty-three senior officials from 23 States held a very broad exchange of views with the CPT. Details of the discussion will be given in our next annual report. In the CPT's view, the meeting was an all-round success, and I should like to emphasise that this was due to the openness and helpfulness of all the State representatives present.

Mr Chairman, I should now like to raise two points concerning the CPT's future work: the second round of visits and extension of our activities to Eastern Europe.

Last year, Mr Cassese told you that although periodic visits would obviously remain central to the CPT's work, the Committee also envisaged carrying out an increasing number of short follow-up or ad hoc visits. This has now been done. Three very short visits have already been organised this year, to verify specific matters in Spain, France and Sweden. As for periodic visits, I would add that the CPT has decided to extend these to places of detention other than police stations and prisons, and to arrange more visits to closed psychiatric institutions, young offenders' institutions and military detention centres, to give only a few examples.

The countries of Central and Eastern Europe have been showing increasing interest in the Convention. In the last 12 months, it has been ratified by Hungary, Slovenia, Bulgaria, Slovakia and, a few days ago, Romania and Poland. Others are certain to follow: the Czech Republic has already signed. You also know that, in a recent declaration concerning human rights, the State Duma of the Federal Assembly of the Russian Federation reaffirmed Russia's desire to join the Council of Europe and to cooperate, in particular, with the CPT. This declaration seems to indicate that the Convention for the Prevention of Torture will be one of the first Council of Europe instruments to be ratified by Russia when it joins the Council.

As we said in the 4th annual report, the Committee feels that visits to the States of Central and Eastern Europe must be considered a priority, but also that the interval between periodic visits to every State must not become too long.

A CPT delegation will be visiting Hungary before the end of the year, and we intend to visit at least three of the other new member States next year. We shall also have to proceed with the second round of periodic visits, not to mention possible ad hoc visits. This already represents a considerable workload for the Committee and the Secretariat - but imagine the consequences of ratification by Russia, which certainly has thousands of places falling within the Committee's investigative scope.

CONFIDENTIAL

Item 4.1.a

- 14 -

In this connection, I hardly need to emphasise that the consequences of ratification of the Convention by a State are not limited to putting an extra chair at the meeting table - far from it.

This means that we shall have to review and probably make some basic changes in our structures and working methods. It is not, perhaps, too soon to start thinking about this now, and the CPT is grateful to the Secretary General for suggesting that the question be put to the working party which is considering the effects of enlargement.

Mr Chairman, believe me when I say that I do not intend to weary the meeting by striking up the old familiar tune about the budget. Our proposals for 1995 have been submitted to the Secretary General, and I am sure that he will examine them carefully. I would simply say that the geographical extension of the CPT's activities must obviously be accompanied by measures making it possible for members to devote even more time to the Committee's work, and by a reinforcement of its Secretariat. It is the credibility of the CPT and - I venture to suggest - that of the whole Organisation which is at issue here.

With your permission, Mr Chairman, I should like to raise two more questions which are of direct interest to the Committee of Ministers and of great concern to me.

On several occasions, the CPT has drawn attention to the problems raised by its membership. In spite of the changes made in September 1993, I would venture once again to emphasise - and here I am quoting our 4th annual report - "the importance of increasing the number of members who possess specialist practical knowledge of penitentiary systems or are medical doctors with relevant experience". You know, too, that the Committee still has comparatively few women members. You will forgive me, I feel sure, if I ask the body which elects the members to bear these points in mind during future elections.

The second point is directly linked to the election of members: I am referring to the coming into force of the second protocol to the Convention. At your 497th meeting, you decided to open the first and second protocols for signature. The expediency of ratifying the first - on accession of non-member States - is a matter for your governments to decide, and I shall take care to express no view on this matter. The second is an essentially technical text, since it mainly provides for grouping of

CONFIDENTIAL

- 15 -

Item 4.1.a

members along the lines already followed in the European Commission of Human Rights, the idea being to ensure, as far as possible, that half the membership is renewed every two years. The coming into force of this protocol would greatly facilitate the CPT's work, particularly concerning the organisation of visits and membership of delegations. May I ask you, ladies and gentlemen, to urge your authorities to expedite the internal procedures needed for approval of this protocol, so that it can come into force in the near future.

Finally, there is one very different issue which will, I feel sure, be of the greatest interest to the specialists in international public law present at this table. The President of the International Criminal Tribunal for the Former Yugoslavia - none other, as you know, than my predecessor - recently presented to me the Tribunal's proposal that the CPT should be made responsible for inspecting the detention unit in which persons awaiting trial by the Tribunal are held. Although located in a Dutch prison, this unit appears to come under United Nations, and not Netherlands, jurisdiction. The CPT discussed this question at its plenary meeting in September, and felt that the Tribunal's proposal raised issues on which it should consult your Committee. I shall shortly be asking the Secretary General to refer the matter to you.

Mr Chairman, I thank the Committee for its attention."

CONFIDENTIAL

- 17 -

CM/Del/Act(94)518
Item 10.2

10.2

**EUROPEAN COMMITTEE ON LEGAL COOPERATION (CDCJ)
Draft Recommendation No. R (94).. of the
Committee of Ministers to member States
on the independence, efficiency and role of judges
(CM/Del/Dec/Act(94)516/10.1c, CM(94)104 Addendum)**

The Representative of the United Kingdom made the following statement:

"The United Kingdom welcomes this very comprehensive draft Recommendation. We consider it to be an important and useful statement of what judicial independence involves.

I hope my colleagues will bear with me as, in supporting the adoption of the draft, I briefly clarify our interpretation of certain of the provisions.

As many of my colleagues know, the United Kingdom does not have a written constitution. Many aspects of our judicial system are based on precedent, conventions, understandings and well-established practice rather than on written legal rules. But in our tradition, these conventions and understandings have, in practice, an effect that is just as strong.

The United Kingdom is one of those States provided for in the second paragraph of Principle I of the draft Recommendation, where the constitutional or legal provisions and traditions allow for judges to be appointed by the government. The Recommendation specifies that in that situation the judicial appointments system should be transparent. The term "transparent" is not defined and is capable of more than one meaning in this context. The United Kingdom construes it as meaning that the principles and procedures on which the appointments system operates should be generally known.

What is more, the constitutional position of the Lord Chancellor, who has responsibility for recommendations for judicial appointments, is unusual, perhaps unique. In addition to being a minister of the Crown he is head of the judiciary of England and Wales and it is as much in the latter capacity as in the former that he advises the Crown on judicial appointments. It is he who "guarantees", to use the word of the draft Recommendation, the safeguards required by the draft, including the well-established convention in my country that judicial appointments are not subject to political, or

CONFIDENTIAL

Item 2.2

- 18 -

other, "undue or improper influences". The system works well, as it has for very many years, because of the legal traditions upon which it is based. It is for those reasons that I can say that it is our view that our system complies with the requirements of the draft Recommendation in respect of judicial appointments.

A laudable feature of the draft Recommendation is its flexibility: whilst clearly stating broad principles it does not seek to put everything into a straitjacket. By way of example, it takes into account the existence of various categories of judges, ranging from judges with permanent appointments to lay judges, who may or may not have permanent appointments, and allows member States to decide to which categories the principles concerning guaranteed tenure apply. I believe the United Kingdom is unusual, again, in having part-time professional judges. They are legal practitioners, barristers or solicitors, who are appointed to sit as judges for a certain number of days in the year. In doing so they gain experience of the role of a judge. Their performance can be taken into account in deciding whether they should be appointed full-time. Clearly, the provisions in the draft Recommendation guaranteeing judges' tenure could not apply to such judges unless and until they are given permanent appointments, and we will construe those provisions accordingly. The most important and difficult cases, and those of any political sensitivity, are of course assigned to full-time professional judges who have security of tenure."

CONFIDENTIAL

- 19 -

CM/Del/Act(94)518
Item 11.1

11.1

STAFF SALARIES
Co-ordinating Committee on Remuneration (CCR)
Annual adjustment of remuneration of the staff
of the Co-ordinated Organisations at 1 January 1994
40th report
(CM(94)131)

The Representative of Italy said he was able to accept all the decisions proposed by the Secretariat. However, he wished in this respect to recall Italy's position as already stated in the Co-ordination Committee during discussion of that committee's 40th report, advocating efforts to find more restrictive solutions, based on principles of salary moderation, taking into account the very difficult economic and financial situation in the Council of Europe member States.

CONFIDENTIAL

- 21 -

CM/Del/Act(94)518
Item 11.6

11.6

1994 BUDGETARY SITUATION
(CM(94)114 and Addendum, CM(94)135 and Addendum)

Chairman's Summing-up

With regard to the decision to approve a supplementary appropriation of 70 000 FF in the 1994 budget of the Partial Agreement on the Social Development Fund (sub-head 1204bis - Expenditure relating to the Workshop for users of loans of the Social Development Fund), and in response to questions raised by several delegations, the Chairman noted that such expenditure in connection with the Workshop in excess of the supplementary appropriation of 70 000 FF would ultimately be charged to sub-head 1204bis insofar as transfers of credit balances remaining at the end of the financial year under other sub-heads of the budget of the Partial Agreement permitted transfers in accordance with Article 31 of the Financial Regulations to be effected. In this way, expenditure in respect of this activity, which had initially to be committed under Vote IX of the Ordinary Budget, could be recharged at the year end to the Partial Agreement Budget so as to reduce to an absolute minimum the ultimate amount falling on the Ordinary Budget.

CONFIDENTIAL

- 23 -

CM/Del/Act(94)518
Item 11.8

11.8

**FINANCIAL CONTRIBUTIONS OF THE PRINCIPALITY OF MONACO
TO THE CULTURAL FUND AND THE SPORTS FUND**

The Representative of France raised the question as to the appropriateness of drawing up specific regulations for the calculation of contributions from States or territories which are not members of the Council of Europe and which, for various reasons, will not join it.

As such, Monaco's contribution, which would be about 39,000 FF per year, did not seem adapted to the real cost that the Principality's participation in activities of the European Cultural Convention would imply for the Organisation.

The Representative of France fully appreciated that this amount was calculated mathematically according to the scale of mandatory contributions to the Council of Europe budget, which also applied to contributions to the European Cultural Convention, but wondered whether other criteria might not be taken into account in the calculation.

It appeared to her important, in particular to know what was the cost to the Council of Europe of such States' participation in its activities. And, for any State whose contribution proved actually to be less than the cost of their participation she suggested that they could, for example, be encouraged, via the Secretariat, to pay voluntary contributions to balance the situation somewhat.

