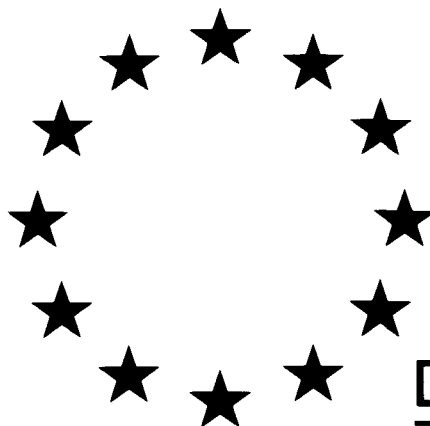


COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

COMMITTEE OF MINISTERS



CMACT056

CONFIDENTIAL
CM/Del/Dec/Act (94)508

Ministers' Deputies

508th meeting
Decisions adopted
and Records

held in Strasbourg from 14 to 17 February 1994

The Declaration on Bosnia-Herzegovina
adopted by the Committee of Ministers on 14 February 1994
at the 508th meeting of the Ministers' Deputies, A level,
is reproduced after the Decisions.

COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

Committee of Ministers
Comité des Ministres

Strasbourg, 23 February 1994

RESTRICTED
CM/Del/Dec(94)508

508th MEETING OF THE MINISTERS' DEPUTIES

(held in Strasbourg from 14 to 17 February 1994)

508th
DECISIONS ADOPTED

There is no decision for the following items:

POL1b, POL3, SOC1, SOC2, ADM7.

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508th meeting - February 1994

The 508th meeting of the Ministers' Deputies opened at B level on 14 February 1994 at 3 pm under the chairmanship of Mr. S. Raev, Deputy for the Minister for Foreign Affairs of Bulgaria. It continued at A level on 15 February 1994 under the chairmanship of Mr. H. Fonder, Deputy for the Minister for Foreign Affairs of Belgium.

PRESENT

AUSTRIA	Mr	H.	Winkler
	Mr	A.	Längle
	Mr	C.	Mantl
BELGIUM	Mr	H.	Fonder <u>Chairman</u>
	Mr	P.	Dubuisson
BULGARIA	Mr	S.	Raev <u>Vice-Chairman</u>
	Mrs	K.	Todorova
CYPRUS	Mr	A.N.	Papadopoulos
	Mr	C.	Papademas
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	H.	Rotkirch
	Mrs	T.	Jortikka-Laitinen
	Miss	T.	Turunen
FRANCE	Mr	M.	Lennuyeux-Comnene
	Mrs	D.	de Boisjolly-Hoyet
	Mrs	J.	Caballero-Kolbenstetter
	Mr	V.	Muller
GERMANY	Mr	H.	Schirmer
	Mr	K.	Praller
	Mr	F.	Neumann

GREECE	Mr Mr Mrs	E. G. V.	Karayannis Coptsidis Dicopoulou
HUNGARY	Mr Mr Mrs	J. C. J.	Perenyi Györffy Jozsef
ICELAND	Mr	J.R.	Benediktsson
IRELAND	Mrs Mr	G. J.	Skinner Morahan
ITALY	Mr Mr Mr	D. R. G.	Vecchioni Pietrosanto Raimondi
LIECHTENSTEIN	Mr Mrs	J. C.	Wolf Stehrenberger
LITHUANIA	Mr Mr	A. R.	Taurantas Paulauskas
LUXEMBOURG	Mrs	A.	Conzemius-Paccoud
MALTA	Mr Mr	N. Ch.	Buttigieg Scicluna Cremona
NETHERLANDS	Mr Mr	J.S.L. A.	Gualtherie Van Weezel Bijlsma
NORWAY	Mr Mrs	S. S.G.	Knudsen Eriksen
POLAND	Mr Mr	J. W.	Wereszczynski Kalamarz
PORTUGAL	Mr Miss	L.F. M.J.	de Castro Mendes Morais Pires
ROMANIA	Mr	N.	Micu

SAN MARINO	Mr Mr Miss	G.N. G. M.	Filippi Balestra Ceccoli Faetanini
SLOVAKIA	Mrs Mr	E. M.	Mitrová Blaško
SLOVENIA	Mr Mr	A. M.	Novak Pogačnik
SPAIN	Mr Mr	E. J.	Artacho Castellano Fernandez Torrejon
SWEDEN	Mr Mr Mrs	H. B. A.K.	Amnéus Hedberg Eneström
SWITZERLAND	Mr Mr	Y. H.	Moret Gattiker
TURKEY	Mr Mr Mr Mr	I. C. A. O.	Birsel Altan Meriç Demiralp
UNITED KINGDOM	Mr Mr Miss	R. J. A.	Beetham Jamieson Power

508th meeting - February 1994

Item OJ1

OJ1

ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS

Decisions

The Deputies

1. adopted the agenda for their 508th meeting (14(3pm) February 1994 - B level), as it appears at Appendix 1 to the present volume of Decisions;
2. adopted the agenda for their 508th meeting (15(3pm) - 17 February 1994 - A level), as it appears at Appendix 2 to the present volume of Decisions.

508th meeting - February 1994

Item GEN1

GEN1

PREPARATION OF FORTHCOMING MEETINGS

Decisions

The Deputies

1. approved the draft agenda for their 509th meeting - B level, (14 (3pm) - 15 March 1994), as it appears at Appendix 3 to the present volume of Decisions;
2. approved the draft agenda for their 509th meeting - A level (15 (3pm) - 18 March 1994), as it appears at Appendix 4 to the present volume of Decisions;
3. adopted the agenda for the 11th meeting of the Liaison Committee between the Council of Europe and Management and Labour (LCML) to be held on 8 March 1994, as it appears at Appendix 5 to the present volume of Decisions.

508th meeting - February 1994

GEN2

COMMUNICATION FROM THE SECRETARY GENERAL

STAFF APPOINTMENTS

Post reclassified from A5 to A6 in the European Commission of Human Rights

Decision

The Deputies, in application of Article 25(1) of the Regulations on Appointments, and having regard to the particular circumstances indicated by the Secretary General, decided that the Secretary General may publish the upgraded post from A5 to A6 (No. 72.15) at the European Commission of Human Rights within the Secretariat.

508th meeting - February 1994

Item GEN3

GEN3

CONFERENCES OF SPECIALISED MINISTERS

State of Preparation

(CM/Del/Dec/Act(94)506/POL4, 506/JUR1, SG/D/Inf(94)1)

Decision

The Deputies established that there was general agreement within the Committee of Ministers as to the advisability of inviting the Principality of Monaco to participate as an observer at the 14th Informal Meeting of the Conference of European Ministers for Sport (Strasbourg, 28-29 April 1994).

GEN4

**PARLIAMENTARY ASSEMBLY
Follow up to the 1st Part of the 1994 Session
(Strasbourg, 24-28 January 1994)**

i.

**Statement by the Clerk on the 1st Part of the
1994 Session and other Assembly activities**

Chairman's Summing-up

The Chairman noted that the Deputies wished to intensify the dialogue between the Committee and the Parliamentary Assembly, notably concerning the enlargement of the Council of Europe in general, and specifically concerning the request for accession by the Russian Federation.

Decision

The Deputies instructed their Chairman to reply in this sense to the letter, dated 15 February 1994, of the President of the Parliamentary Assembly, indicating in concrete terms:

- i. the proposal to hold a meeting of the Joint Committee during the next session of the Parliamentary Assembly (Strasbourg, 11-15 April 1994), in order to deal with the above-mentioned matters; and
- ii. the acceptance of his proposal to hold a further meeting of the Joint Committee in the afternoon of 17 May 1994 in Warsaw, in order to continue this discussion.

ii.

Texts adopted

Decisions

The Deputies

1. adopted the following interim reply to Recommendation 1228 (1994) on cable networks and local television stations: their importance for Greater Europe:

"The Committee of Ministers, after careful examination of Parliamentary Assembly Recommendation 1228 (1994) on cable networks and local television stations: their importance for Greater Europe, decided to request the opinion of the Steering Committee on the Mass Media (CDMM) on this Recommendation.

The Committee of Ministers will reply to Parliamentary Assembly Recommendation 1228 (1994) in the light of the opinion that will be communicated to it by the CDMM.";

2. adopted Decision No. CM/583/170294 assigning ad hoc terms of reference to the Steering Committee on the Mass Media (CDMM), as it appears in Appendix 6 to the present volume of Decisions;

3. decided to resume consideration of Recommendation 1228 (1994) at their 516th meeting (September 1994);

4. adopted Decision No. CM/584/170294 assigning ad hoc terms of reference to the Steering Committee on Equality between Women and Men (CDEG) as it appears in Appendix 7 to the present volume of Decisions, seeking its opinion on Recommendation 1229 (1994) on equality of rights between men and women;

5. decided to resume consideration of Recommendation 1229 (1994) on equality of rights between men and women at a forthcoming meeting in the light of this opinion;

6. decided to seek the opinion of the Governing Body of the Social Development Fund on Recommendation 1230 (1994) on the Social Development Fund of the Council of Europe: activities and outlook;

7. decided to resume consideration of Recommendation 1230 (1994) on the Social Development Fund of the Council of Europe: activities and outlook at a future meeting in the light of the opinion of the Fund's Governing Body;

8. decided to bring the following Recommendations to the attention of their Governments:

Recommendation 1228 (1994) on cable networks and local television stations: their importance for Greater Europe

Recommendation 1229 (1994) on equality of rights between men and women

Recommendation 1230 (1994) on the Social Development Fund of the Council of Europe: activities and outlook

Recommendation 1231 (1994) on the follow up to be given to the Vienna Summit

Recommendation 1232 (1994) on the management of water resources in relation to agriculture

Recommendation 1233 (1994) on the European environmental policy (1992-93);

9. decided to bring the following Recommendation to the attention of the Commission of the European Communities:

Recommendation 1232 (1994) on the management of water resources in relation to agriculture;

10. agreed to examine the following Recommendations at their 509th meeting (March 1994):

Recommendation 1231 (1994) on the follow up to be given to the Vienna Summit

Recommendation 1232 (1994) on the management of water resources in relation to agriculture

Recommendation 1233 (1994) on the European environmental policy (1992-93);

11. Decided to resume consideration, at their 509th meeting, (March 1994) of paragraph 9vii of Resolution 1019 (1994) on the humanitarian situation and needs of the refugees, displaced persons and other vulnerable groups in the countries of the

former Yugoslavia, recommending "the organisation, on an urgent basis, under the aegis of the Secretary General of the Council of Europe and in co-operation with the international humanitarian organisations,

- a. of a series of "European humanitarian aid days for the populations affected by the conflict in Bosnia-Herzegovina", to begin on 27 February 1994;
- b. of a conference of the non-governmental humanitarian organisations working in Bosnia-Herzegovina", in the light of a document to be prepared by the Secretariat;

12. took note of Opinion No 178 (1994) on draft Protocol No. 11 to the European Convention on Human Rights introducing a single court;

13. took note of the following Resolutions:

Resolution 1018 (1994) on equality of rights between men and women

Resolution 1020 (1994) on the economic consequences and problems for neighbouring countries arising from the implementation of United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)

Resolution 1021 (1994) on the preservation and development of the Danube basin

Resolution 1022 (1994) on the humanitarian situation and needs of the displaced Iraqi Kurdish population

Resolution 1023 (1994) on European transport problems (reply to the 38th and 39th annual reports of the European Conference of Ministers of Transport (ECMT))

Resolution 1024 (1994) on the European environmental policy (1992-93)

Resolution 1025 (1994) on the future of international exhibitions;

14. took note of the following Orders:

- Order No. 493 (1994) on the Social Development Fund of the Council of Europe: activities and outlook
- Order No. 494 (1994) on the economic consequences and problems for neighbouring countries arising from the implementation of United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

508th meeting - February 1994

Item GEN4iii

iii.

**Parliamentary questions for oral reply by the
Chairman of the Committee of Ministers
(AS(1994)CR7)**

Decision

The Deputies approved the text of the letter to be addressed by their Chairman to the President of the Parliamentary Assembly, as it appears at Appendix 8 to the present volume of Decisions, reflecting their decision to use in the future the denomination "Parliamentary Assembly" in all Council of Europe documents in conformity with the practice followed in recent Statutory Resolutions as well as in a certain number of Conventions and Recommendations adopted by the Committee of Ministers.

508th meeting - February 1994

Item GEN5

GEN5

**PREPARATION OF THE VARIOUS PROGRAMMES
OF ACTIVITIES OF THE ORGANISATION FOR 1995
(CM/Del/Dec/Act(94)506/POL3)**

Decision

The Deputies decided to hold an informal meeting on the budgetary outlook for 1995 on Tuesday 8 March 1994 at 4pm, during which the item "Preparation of the various programmes of activities for 1995" will also be examined.

POL1

CURRENT POLITICAL QUESTIONS

a.

**Relations with countries of Central and Eastern Europe
(CM/Del/Dec/Act(94)506/POL2)**

Decisions

1. authorised a Secretariat delegation to visit Ukraine, in order to discuss with the governmental authorities there the contents of a possible joint cooperation programme between Ukraine and the Council of Europe and agreed to hold an exchange of views, in the framework of political dialogue, with a representative of the Government of Ukraine;
2. decided, noting the request made by the Government of Ukraine, without prejudice to the general question of State succession, to invite Ukraine to become a Contracting Party to each of the following Treaties, in application of the relevant dispositions of these Conventions and Agreements:
 - European Cultural Convention [ETS No. 18 of 1954]
 - European Convention on Information on Foreign Law [ETS No. 62 of 1968] and its Additional Protocol [ETS No. 97];
3. decided to request the Secretariat to inform the Government of Ukraine that it can become a Contracting Party to the above Treaties by means of simple notification addressed to the Secretary General for each of these Conventions;
4. authorised the Secretariat to make a grant on behalf of the Council of Europe towards the setting up and activities of an Information and Documentation Centre on the Council of Europe to be created by the National Library of Lithuania "Martynas Mažvydas" in Vilnius;
5. authorised the Secretariat to make a grant on behalf of the Council of Europe towards the setting up and activities of an Information and Documentation Centre on the Council of Europe to be created by the Romanian Institute of International Studies (IRSI) in Bucharest;

6. decided to resume consideration at their 509th meeting (March 1994) of the request of the Government of the Republic of Bosnia-Herzegovina to accede to several European conventions and agreements;

7. decided to resume consideration at a future meeting of the possible involvement of the Contracting Parties to the European Cultural Convention which are not members of the Council of Europe, in the Youth Campaign to combat racism, xenophobia, antisemitism and intolerance.

508th meeting - February 1994

Item POL4

POL4

RELATIONS BETWEEN THE COUNCIL OF EUROPE AND THE CSCE

Chairman's Summing-up

The Chairman noted

- that the discussion had indicated that the Deputies were clearly in favour of reinforcing co-operation between the Council of Europe and the CSCE in as functional and operational a manner as possible;
- that they therefore invited the Secretary General to address a message to the Secretary General of the CSCE welcoming the encouragement of such co-operation expressed by CSCE Ministers at their meeting in Rome (30 November - 1 December 1993), particularly in the field of human rights;
- that, in order to continue the dialogue initiated at the present meeting, an item on co-operation between the two organisations should regularly be included on the Deputies agenda, which should include
 - . forecasts by the Secretariat of their involvement in forthcoming CSCE meetings, signalling difficulties and summarising the line Secretariat Representatives propose to take;
 - . reports on participation in missions, joint visits, meetings and seminars;

- that the Secretariat should prepare, for the next meeting, a document taking account of the discussion under this item and of the proposals circulated by the United Kingdom delegation;
- that, following the proposal in the conclusions of the jointly organised seminar (Strasbourg, 7-10 December 1993) on structure, policies and strategies in education for all the CSCE States, a seminar on Rom (gypsies) should be organised by the Council of Europe in co-operation with the CSCE's Office for Democratic Institutions and Human Rights (ODIHR).

508th meeting - February 1994

Item POL5

POL5

ORGANISATION OF THE POLITICAL DIALOGUE
(CM/Del/Dec/Act(94)506/POL1 and 2)

Chairman's Summing-up

The Chairman noted that the Deputies considered that political dialogue, as defined at the Vienna Summit, is organised pragmatically and in the framework of existing structures.

508th meeting - February 1994

Item POL6

POL6

CONFIDENCE-BUILDING MEASURES RELATING TO MINORITIES
(CM(93)204)

Chairman's Summing-up

The Chairman noted that the Deputies attached particular importance, in the context of implementation of the decisions taken at the Vienna Summit, to confidence-building measures relating to minorities as a complement to the legal instruments being drawn up.

Decisions

The Deputies decided:

- i) to authorise and encourage the Secretariat to continue and develop the activities of the programme of confidence-building measures, taking account of the discussion under this item, and instructed the Secretariat to inform the Committee of Ministers regularly on the evolution of this programme;
- ii) to authorise the Secretary General to set up forthwith a skeleton team to co-ordinate and monitor confidence-building measures, comprising one A5 staff-member with a B2 secretarial assistant, recruited as temporary staff under the special account for the implementation of the decisions taken at the Vienna Summit.

508th meeting - February 1994

Item HR1

HR1

CHANGE IN THE SYSTEM FOR SUBMISSION OF THE REPORTS PROVIDED FOR BY THE EUROPEAN SOCIAL CHARTER

(CM/Del/Dec/Act(93)504/2, CM(92)115 and 152
and CM(93)162 Addendum and Addendum 2)

Chairman's Summing-up

Taking items HR1 and HR4 of the agenda together the Chairman recalled that following the 506th meeting of the Deputies (January 1994, item HR5), he had undertaken certain informal consultations with those Delegations facing difficulties as regards one or several points concerning the European Social Charter, namely Article 21 of the Charter dealing with the submission of reports, cycles of supervision and the question of the modalities of the increase in the membership of the Committee of Independent Experts. He added that there had been progress in these different issues and that consultations were still going on. The Chairman informed the Deputies of his intention to convene - as he had announced during the 506th meeting - an informal open-ended meeting which would take place in the afternoon of 7 March 1994, after the second meeting of the Deputies' ad hoc Group with the participation of experts from the capitals dealing with the Draft Protocol to the European Social Charter providing for a system of collective complaints which will take place on 7 March 1994 at 10 am.

The Chairman noted that the Deputies agreed to this procedure.

508th meeting - February 1994

Item HR2

HR2

EUROPEAN SOCIAL CHARTER
Draft Additional Protocol providing for
a system of collective complaints
(CM/Del/Dec/Act(93)500bis/5, CM(92)186, CM(93)32 rev.
and Addendum, Addenda 2, 3 and 4)

Chairman's Summing-up

The Chairman informed the Deputies that some progress had been made as to the Draft Protocol to the European Social Charter providing for a system of collective complaints following the first meeting of the ad hoc Group of Deputies which had taken place with the participation of experts from the capitals on 17 December 1993. He added that it was his intention to convene a second meeting of this open-ended ad hoc Group which could take place on 7 March 1994 at 10 am.

The Chairman noted that the Deputies agreed to this procedure.

508th meeting - February 1994

Item HR3

HR3

COMMITTEE FOR THE EUROPEAN SOCIAL CHARTER
(CHARTE-REL)
Interim Activity Report
(CM(94)1)

Decision

The Deputies took note of the Interim Activity Report (CM(94)1) of the Committee on the European Social Charter (CHARTE-REL) for 1993.

508th meeting - February 1994

Item HR4

HR4

**COMMITTEE OF INDEPENDENT EXPERTS OF THE
EUROPEAN SOCIAL CHARTER**
**Procedure for the election of members of the Committee
of Independent Experts set up under Article 25
of the Charter**
(CM/Del/Dec/Act(94)506/HR5)

Chairman's Summing-up

See Chairman's Summing-up under item HR1 of the present volume of Decisions.

508th meeting - February 1994

Item HR5

HR5

**AD HOC COMMITTEE FOR THE PROTECTION OF
NATIONAL MINORITIES (CAHMIN)**
Abridged Report of the 1st meeting
(Strasbourg, 25-28 January 1994)
(CM(94)35)

Decisions

The Deputies

1. took note of the abridged report of the 1st meeting of the CAHMIN (CM(94)35) as a whole;
2. authorised the CAHMIN to organise in 1994 seven 5-day meetings of the plenary committee and four 4-day meetings of a drafting group (16 members). The budgetary resources necessary for financing these meetings will be found within Vote II through transfers, resulting if necessary from slowing down activities of lesser priority and, if need be, one or more of the drafting group's meetings will be held in association with the meetings of the plenary committee;
3. invited the European Commission for Democracy through Law to be represented at the meetings of the CAHMIN as an observer on the understanding that such an invitation should not be regarded as creating a precedent nor as attaching any special value to the text prepared by this Commission vis-à-vis other working documents.

508th meeting - February 1994

Item HR6

HR6

**NOMINATION OF CANDIDATES FOR THE ELECTION OF A JUDGE
OF THE EUROPEAN COURT OF HUMAN RIGHTS
IN RESPECT OF ROMANIA
(CM(94)36)**

Decision

The Deputies agreed, in accordance with Article 39 of the European Convention on Human Rights, to forward to the President of the Parliamentary Assembly the list of candidates and their curricula vitae submitted by the Government of Romania, as set out in CM(94)36.

508th meeting - February 1994

Item HR7

HR7

**SITUATION OF HUMAN RIGHTS IN TURKEY
Written Question No. 355 by Mrs Baarveld-Schlaman
(CM/Del/Dec/Act(94)507/HR1, CM(93)207)**

Decision

The Deputies adopted the following reply to Written Question No. 355 by Mrs Baarveld-Schlaman:

"1. The Committee of Ministers would like to assure the honourable Parliamentarian that it continues to take a close interest in the developments in the field of human rights and fundamental freedoms in Turkey, as well as in all other member countries. With respect to Turkey it believes that the continuing dialogue between the Turkish authorities and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on this matter is an important means of encouraging further progress in the implementation of new and positive measures in this field.

2. In response to the honourable Parliamentarian's specific question the Committee wishes to point out that introducing and implementing new measures taken in the field of human rights as well as accelerating them rests with the Turkish Government, not with the Committee of Ministers."

508th meeting - February 1994

Item HR8

HR8

**NOMINATION OF CANDIDATES FOR THE ELECTION OF A JUDGE
OF THE EUROPEAN COURT OF HUMAN RIGHTS
IN RESPECT OF LITHUANIA
(CM(94)38)**

Decision

The Deputies agreed, in accordance with Article 39 of the European Convention on Human Rights, to forward to the President of the Parliamentary Assembly the list of candidates and their curricula vitae submitted by the Government of Lithuania as set out in CM(94)38.

508th meeting - February 1994

Item MM1

MM1

**DRAFT EUROPEAN CONVENTION RELATING TO QUESTIONS
ON COPYRIGHT LAW AND NEIGHBOURING RIGHTS IN THE
FRAMEWORK OF TRANSFRONTIER BROADCASTING BY SATELLITE
(CM/Del/Dec/Act(94)506/MM3, CM(94)5)**

Decisions

The Deputies

1. adopted the European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite as it appears at Appendix 9 to the present volume of Decisions;
2. agreed to open the Convention for signature;
3. fixed the date of 11 May 1994 to this effect;
4. authorised the publication of the Explanatory Report to the Convention as it appears at Appendix I to CM(94)5;
5. adopted the Declaration on neighbouring rights as it appears at Appendix 10 to the present volume of Decisions.

508th meeting - February 1994

Item SOC3

SOC3

**EXCHANGES INVOLVING YOUNG WORKERS AFTER THE
REVOLUTIONARY CHANGES OF 1989
Parliamentary Assembly Recommendation 1191 (1992)**

Decision

The Deputies agreed to resume consideration of this item at their 509th meeting (March 1994).

508th meeting - February 1994

Item SOC4

SOC4

**CONVENTION ON THE ELABORATION OF A
EUROPEAN PHARMACOPOEIA (ETS No. 50)
Request for observer status from China
(CM(94)22)**

Chairman's Summing-up

The Chairman noted that the Deputies pronounced in favour of the request from China for observer status at meetings of the European Pharmacopoeia Commission, and noted that this favourable opinion would be transmitted to the European Pharmacopoeia Commission and to the Public Health Committee (CD-P-SP) (Partial Agreement).

SOC5

FIFTH CONFERENCE OF EUROPEAN MINISTERS OF LABOUR
(Valletta, 28-29 October 1993)
Report of the Secretary General
(CM(94)10)

Decisions

The Deputies

1. agreed to bring the Final Communiqué of the 5th Conference of European Ministers of Labour, as it appears in Appendix I to CM(94)10, to the attention of the Steering Committee for Employment and Labour (CDEM), for it to take account of it in its work;
2. agreed to transmit paragraph 16 of CM(94)10 to the CDEM, for it to consider the proposals contained therein when considering its future activities;
3. agreed to transmit the Final Communiqué to the Parliamentary Assembly for information;
4. taking into account decisions 1-3 above, took note of the report of the 5th Conference of European Ministers of Labour as a whole (CM(94)10).

SOC6

INTEGRATION OF MIGRANTS AND COMMUNITY RELATIONS
Parliamentary Assembly Recommendation 1206 (1993)
(CM/Del/Dec/Act(94)506/SOC3)

Decision

The Deputies adopted the following reply to Parliamentary Assembly Recommendation 1206 (1993) on the integration of migrants and community relations:

- "i. The Committee of Ministers shares the Parliamentary Assembly's view that the marginality of migrants is a source of social tension and conflict.
- ii. It recalls, with regard to paragraph 15.i, that the European Ministers responsible for Migration Affairs, at their 4th Conference held in Luxembourg in September 1991, decided to "disseminate [the community relations] report widely among interested circles in each country and to promote debate on it both publicly and within official bodies responsible for policy or consultation in the field of migration and the integration of immigrants". The European Committee on Migration (CDMG), whose opinion on this Recommendation has been sought by the Committee of Ministers, considers that the report is as relevant as ever to the situation in many member States, including the new ones, and hopes that renewed attention will be given to it by the appropriate authorities.
- iii. With regard to paragraph 15.ii, it should be noted that Project III.3 on "the integration of immigrants: towards equal opportunities" forms the centre-piece of the CDMG's current activities, and that this project will be actively pursued in 1994 and 1995.
- iv. As far as paragraph 15.iii.a is concerned, the CDMG considers that, although a detailed monitoring process would not be the best use of resources, a follow-up conference, which should not only review past action but also take the process of reflection on community relations a stage further, could play a useful role. It should be noted in this context that, at the 5th Conference of European Ministers responsible for Migration Affairs (Athens, 18-19 November 1993), the Ministers "called for further reflection on some of the underlying

issues raised in the [community relations] report and for an examination of the progress achieved as well as the difficulties experienced with its implementation in different countries". They will review progress at their next conference.

v. Regarding paragraph 15.iii.b, the CDMG considers that member States could be encouraged to conduct their own examinations of their national situation and policies with regard to community relations and to inform the CDMG of the results in the framework of its regular exchanges of information.

vi. With reference to paragraph 15.iii.c, the CDMG is of the opinion that the priority problem is not so much how to maintain the relationship between migrants and their country of origin as the question of how such relationships affect the process of integration in the host country. It should also be noted that the specific question of dual nationality is under consideration within the Committee of Experts on Multiple Nationality (CJ-PL).

vii. The Committee of Ministers recalls, as far as paragraph 15.iii.d is concerned, that the CDMG has recently set up a Select Committee of Experts on Short-Term Migration (MG-R-MT) whose terms of reference include drawing up guidelines for the legal protection of short-term migrants, and whose work is intended to include consideration of the social rights of such migrants.

viii. With regard to paragraph 15.iii.e, the Committee of Ministers encourages the participation of foreigners in public life at local level, as witnessed by its adoption of and the opening for signature on 5 February 1992 of the Convention on this issue. The CDMG considers that a study of how such participation works out in practice could perhaps be of interest in the future.

ix. It should be noted, concerning paragraph 15.iii.f, that the 1994 Intergovernmental Programme of Activities provides both for a study, to be carried out jointly by the CDMG and the Steering Committee for Equality between Women and Men (CDEG), on "migration and cultural diversity: implications for the equality of women and men", and, in the framework of the above-mentioned Project III.3, for a study of the cultural and religious aspects of equality of opportunity for migrants.

x. Regarding paragraph 15.iv, the Heads of State and Government meeting at the Vienna Summit (8-9 October 1993), adopted a Declaration and Plan of Action on combating racism, xenophobia, antisemitism and intolerance. The

implementation of these texts is currently being considered by the Committee of Ministers. It should be noted, however, that such implementation will necessarily be of a multidisciplinary nature, and that, following the wish expressed by the Ministers meeting at the 5th Conference of European Ministers responsible for Migration Affairs, the CDMG should play a prominent role in the implementation of the Plan of Action.

xi. The CDMG, in that part of its opinion concerning paragraph 15.v, supports the recommendation contained therein and notes its willingness to serve as a framework for exchange of experience between any such national bodies.

xii. With regard to paragraph 15.vi, the CDMG is currently examining proposals which would meet the need for increased availability of information between the Organisation's member States."

508th meeting - February 1994

Item SOC7

SOC7

**23RD SESSION OF THE CONFERENCE OF EUROPEAN MINISTERS
RESPONSIBLE FOR FAMILY AFFAIRS
(Paris, 14-15 October 1993)
Report by the Secretary General
(CM(94)21)**

Decisions

The Deputies

1. agreed to transmit the Final Communiqué of the 23rd Session of the Conference of European Ministers responsible for Family Affairs to the Steering Committee on Social Policy (CDPS), for it to take account of it in its work, and requesting it in particular to consider the proposals contained in items 12, 14 and 15 of the Final Communiqué (Appendix II to CM(94)21);
2. taking into account decision 1 above, took note of the report of the Secretary General on the 23rd Session of the Conference as a whole (CM(94)21).

508th meeting - February 1994

Item ECS1

ECS1

EUROPEAN CENTRE FOR MODERN LANGUAGES IN GRAZ
Proposal by the Delegations of Austria and the Netherlands
to create a Partial Agreement
(CM(94)7)

Decisions

The Deputies

1. authorised, in accordance with the provisions of Resolution (93) 28 on Partial and Enlarged Agreements, the conclusion between the interested member States of an Enlarged Partial Agreement on the European Centre for Modern Languages, it being understood that any member State of the Council of Europe or Party to the European Cultural Convention, may subsequently join this Partial Agreement at any time by notification addressed to the Secretary General of the Council of Europe; and it being further understood that the Committee of Ministers in its composition restricted to the States members of the Partial Agreement may invite any other non-member State to join the Partial Agreement following consultation of the non-member States already participating;
2. took note that, in accordance with paragraph III of Resolution (93) 28, the budget of the Enlarged Partial Agreement would, if appropriate, be adopted with the participation of Representatives of non-member States participating in the activity;
3. noted that six countries had declared their intention in principle to participate in this Partial Agreement, and agreed to resume consideration of this item at their 509th meeting (March 1994).

508th meeting - February 1994

Item YOU1

YOU1

DRAFT RECOMMENDATION No. R (94) ..
ON THE PROMOTION OF A VOLUNTARY SERVICE
(CM(94)2)

Decision

The Deputies instructed their Rapporteur Group on Youth to examine the draft Recommendation and to report at a forthcoming meeting.

508th meeting - February 1994

Item YOU2

YOU2

PARTIAL AGREEMENT ON THE YOUTH CARD
Designation of five governmental members
of the Board of Co-ordination

Decision

The Representatives on the Committee of Ministers of the member States of the Partial Agreement on the Youth Card¹ decided that the following Partial Agreement member States will be entitled to appoint representatives to the Board of Co-ordination for a term of two years:

Hungary
Ireland
Luxembourg
Portugal
Switzerland.

508th meeting - February 1994

Item YOU3

YOU3

EUROPEAN YOUTH CENTRE AND THE
EUROPEAN YOUTH FOUNDATION
Composition of the Advisory Committee:
Replacement of one national Committee

Decision

The Deputies noted that, following the dissolution of the Hungarian National Youth Committee (MISZOT), the latter would be replaced on the Advisory Committee of the EYC and EYF by the Slovak National Youth Council (RMS) for the remainder of the present Committee's mandate.

¹ France, Hungary, Ireland, Italy, Luxembourg, Netherlands, Portugal, San Marino, Switzerland and Spain.

ENV1

**HEALTH EFFECTS OF THE CHERNOBYL NUCLEAR ACCIDENT
AND THE NEED FOR STRONGER INTERNATIONAL ACTION
Parliamentary Assembly Recommendation 1208 (1993)**

Decisions

The Deputies

1. decided to bring Parliamentary Assembly Recommendation 1208 (1993) to the attention of their governments, the Commission of the European Communities and the World Health Organisation (WHO);
2. adopted the following reply to Parliamentary Assembly Recommendation 1208 (1993):

"1. The Committee of Ministers has considered very carefully Parliamentary Assembly Recommendation 1208 (1993) on the health effects of the Chernobyl nuclear accident and the need for stronger international action. The Committee of Ministers agrees with the Assembly that the state of health today and in the coming years of children and adults in the areas of Russia, Belarus and Ukraine contaminated by Chernobyl radiation is a cause for very great concern. It has decided to bring Recommendation 1208 (1993) to the attention of the governments of member states, the Commission of the European Communities and the World Health Organisation (WHO).

2. This question was tackled in the Council of Europe in the framework of the Partial Agreement on the "Co-operation Group for the Prevention of, Protection against and Organisation of Relief in Major Natural and Technological Disasters",¹ after the former USSR joined the Partial Agreement on 13 April 1990. It was in fact on 26 July 1990 that the Council of Europe

¹ Member States of the Partial Agreement:

- i. Council of Europe member States: Belgium, France, Greece, Italy, Luxembourg, Malta, Portugal, San Marino, Spain, Turkey.
- ii. Council of Europe non-member States: Albania, Algeria, Armenia, Azerbaijan, Belarus, Georgia, Israel, Monaco, Russia, Ukraine.

received a request for assistance and co-operation concerning the health effects of the Chernobyl disaster. In the light of studies by experts, the Ministers of the Partial Agreement, meeting in Ankara on 10 July 1991, approved the SIEAD/APO/CHERNOBYL Project. This project, which took into account the bilateral and multilateral initiatives already under way or planned, had been prepared in close consultation with the authorities of and experts from the Russian Federation, Ukraine, Belarus and Turkey. A report on the implementation of the project's pilot phase was submitted to the Committee of Permanent Correspondents of the Partial Agreement. The pilot phase was designed to test the programme's feasibility in a number of regions and included the launching of an epidemiological survey, medical monitoring of the populations of the regions concerned and assistance in medical decision-making for treating the persons concerned in those regions.

The pilot phase of the programme was not, however, given financial backing by the States Parties to the Partial Agreement which are members of the Council of Europe and concerned in the project.

3. Following these initial steps, the Ministers of the EUR-OPA Major Hazards Agreement expressed the wish at their 5th meeting (Moscow, 1-2 October 1993) for the possible extension of the programme to follow up the Chernobyl nuclear accident and to prepare a review of existing and planned bilateral and multilateral projects in the context of co-operation between the Commission of the European Communities, the World Health Organisation and the Partial Agreement, so as to avoid any duplication.

4. The Committee of Ministers wishes to inform the Assembly that the States Parties to the Partial Agreement which are members of the Council of Europe and concerned in this programme, meeting in December 1993, were unable to provide the requisite support for this review and accordingly decided to abandon it, bearing in mind that various programmes, which include studies of the consequences of the Chernobyl accident for the populations of the regions concerned, are being carried out under the auspices of the European Union and WHO and on a bilateral basis."

ENV2

**STEERING COMMITTEE ON LOCAL AND REGIONAL
AUTHORITIES (CDLR)
(CM(94)4)**

a.

**Abridged Report of the 12th meeting
(Strasbourg, 1-3 December 1993)**

Decisions

The Deputies

1. authorised the Secretary General of the Council of Europe to transmit to the governments of member States and all authorised persons concerned as model agreement prepared by the Council of Europe, within the meaning of Article 3 of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106), the following model agreement:

- Model interstate agreement on transfrontier co-operation in matters concerning lifelong training, information, employment and working conditions as set out in Appendix 11 of the present volume of Decisions;

2. authorised the publication of this text for information of the specialised bodies concerned;

3. approved the specific terms of reference of the following two select committees of experts and the Committee of experts: Group of Specialists on the size of municipalities, efficiency and citizen participation (LR-S-TC); Group of Specialists on the principle of subsidiarity (LR-S-PS); Committee of Experts on local public services (LR-LPS) as set out in Appendices IV, V and VI to document CM(94)4;

4. authorised publication of the reports concerning the Czech Republic, Estonia, Hungary, Lithuania, Malta, Slovakia, Turkey and the United Kingdom on the structure and operation of local democracy in Council of Europe member States (Document series bearing the reference CDLR/Structures (93) followed by a letter or letters for each country: CZ, ES, H, LT, M, SL, TR, UK);

5. authorised publication of the consolidated report of the Committee of Experts on access to information and measures for making local authority decision-making open to the public (LR-AI), on the situation in member States (CDLR (93)14 rev.) with the three reports on "Forms of participation by citizens/consumers in the decision-making of public bodies responsible for managing major local public services" in Sweden (CDLR(93)2 revised, Appendix 1), the United Kingdom (CDLR(92)6) and France (CDLR(93)6 Addendum);
6. decided to increase the number of members of the Select Committee of experts on transfrontier co-operation (LR-R-CT) to 22, so as to include the Czech Republic, Estonia, Lithuania, Romania, Slovakia and Slovenia.
7. decided to transmit to the Congress of Local and Regional Authorities of Europe (CLRAE) the opinion of the CDLR on CLRAE Resolution 250 (1993) on the development of local and regional self-government in Central and Eastern Europe (see Appendix VII to CM(94)4), so that account could be taken of it in its work.
8. Having regard to items 1 to 7 above, took note of the report of the CDLR's 12th meeting as a whole.

508th meeting - February 1994

Item ENV2b

b.

**Opinion of the Select Committee of Experts on Transfrontier
Co-operation (LR-R-CT) on Resolution 254 (1993)
of the Standing Conference of Local and Regional Authorities
of Europe (CLRAE) on the impact on Local and Regional
Authorities of the Single Market, the Maastricht Treaty
and the European Economic Area**

Decisions

The Deputies

1. took note of the Opinion of the Select Committee of Experts on transfrontier co-operation (LR-R-CT) on Resolution 254 (1993) of the Standing Conference of Local and Regional Authorities (CLRAE) on the impact on Local and Regional Authorities of the Single Market, the Maastricht Treaty and the European Economic Area;

2. decided to transmit to the CLRAE the LR-R-CT Opinion on Resolution 254, which is set out in Appendix 12 to the present volume of Decisions and instructed the Secretariat to inform the CLRAE that, on one hand some of the proposals contained in Resolution 254 were already covered by the LR-R-TC programme for 1994, and that, on the other hand, following the Vienna Summit, the Secretariat was considering measures for the implementation of the Vienna Declaration in the transfrontier co-operation field.

508th meeting - February 1994

Item ENV3

ENV3

OIL POLLUTION OF THE SEAS
Parliamentary Assembly Recommendation 1227 (1993)
(CM/Del/Dec/Act(93)504/55 and (94)506/ENV6)

Decisions

The Deputies

1. decided to transmit Parliamentary Assembly Recommendation 1227 (1993) for information to the Steering Committee for the Conservation and Management of the Environment and Natural Habitats (CDPE) so that it may take account of it in its work;
2. adopted the following reply to Parliamentary Assembly Recommendation 1227 (1993):

"1. The Committee of Ministers shares the concerns of the Parliamentary Assembly contained in Recommendation 1227 (1993) regarding the necessity to adopt co-ordinated measures to improve maritime safety and to reduce the risk of oil pollution around the coasts of Europe. It has transmitted this Recommendation to the member States' Governments, the Commission of the European Communities and the International Maritime Organisation (IMO) and to the Steering Committee for the Conservation and Management of the Environment and Natural Habitats (CDPE). It recognises that oil pollution of the seas often brings with it irreversible consequences for the ecosystem, representing a direct threat to marine fauna and flora. In this connection, it recalls that Article 3, para 2, of the Bern Convention of 19 September 1979 for the Conservation of European Wildlife and Natural Habitats (ETS 104) provides that:

"Each Contracting Party undertakes, in its planning and development policies and in its measures against pollution, to have regard to the conservation of wild flora and fauna."

2. The Committee of Ministers also recalls its Resolutions (54) 20 on the prohibition of the discharge of waste oil in the sea, (69) 37 on sea pollution, (73)29 on the protection of coastal areas and Recommendation No. R (85) 18 concerning planning policies in maritime regions.

3. With regard to the Assembly's proposal (paragraphs 7 and 9.i of the Recommendation) concerning the organisation of a pan-European conference on tanker safety, which has received the support of the Standing Committee of the Bern Convention (13th meeting, 29 November - 3 December 1993), the Committee of Ministers considers that this question - of topical interest, but very technical - falls within the competence of other international and European organisations. Taking into account the Council of Europe's priorities for its future activities, following the Vienna Summit, it does not consider it appropriate, in the present context, to pursue this project. It recalls that the problems and regulations concerning maritime transport safety are already dealt with, in particular by the International Maritime Organisation (IMO) and the Commission of the European Communities, to which Assembly Recommendation 1227 (1993) has been transmitted."

508th meeting - February 1994

Item JUR1

JUR1

**RESERVATIONS MADE BY MEMBER STATES TO
COUNCIL OF EUROPE CONVENTIONS
Parliamentary Assembly Recommendation 1223 (1993)
(CM/Del/Dec/Act(93)500/6bii, GR-J(94)1)**

Decisions

The Deputies

1. decided to transmit Parliamentary Assembly Recommendation 1223 (1993) to the governments of member States;
2. decided to invite all steering and conventional committees entrusted to monitor and promote implementation of conventions to examine in due course the question of reservations made in respect of each convention in their sphere of competence;

3. adopted the following reply to Parliamentary Assembly Recommendation 1223 (1993):

- "A. The Committee of Ministers informs the Parliamentary Assembly that it has transmitted Recommendation 1223 (1993) to the governments of member States.
- B. The Committee of Ministers carefully considered Parliamentary Assembly Recommendation 1223 (1993). It shares in principle the Assembly's view that it is advisable and even necessary that the number of reservations made in respect of Council of Europe conventions be reduced. However, it observes that the Assembly had not dealt with some other questions relating to reservations, for instance the role of depositaries, interpretation of reservations, territorial clauses, clauses of suspension, negotiated reservations, etc. The Committee of Ministers notes that the law and practice relating to reservations constitute one of the most complex parts of public international law and are subject to constant development. Furthermore, the matter of reservations is currently under consideration by the United Nations International Law Commission.
- C. **With regard to paragraph A.i. of the Recommendation**, the Committee of Ministers recalls that in the field of family and criminal law, it has formulated similar invitations in the past which gave results only in a very limited number of cases. In respect of the European Convention on Extradition (ETS No. 24), Committee of Ministers Resolutions (78) 30 of 11 May 1978 and (78) 43 of 25 October 1978 recommended "to the governments of member States Contracting Parties to the European Convention on Extradition that they limit the scope of the reservations or withdraw them, bearing in mind the contribution of the Additional Protocols". Since 1978, only three contracting Parties have either restricted or withdrawn some of their reservations to the European Convention on Extradition.

More recently, following a Recommendation of the Committee of Ministers with regard to the existing conventions in the field of family law (Recommendation No. R (91) 9 of 9 September 1991), three contracting Parties wholly or partly withdrew their reservations to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children (ETS No. 105).

The Committee of Ministers recalls that according to rules of general public international law and relevant treaty provisions, States have the right to limit their respective international obligations by formulating reservations to certain treaty provisions. Therefore it does not believe that it is appropriate that Council of Europe member States make reasoned reports to the Secretary General if certain reservations are maintained, as recommended by the Parliamentary Assembly.

- D. **With regard to paragraph A.ii. of the Recommendation**, the Committee of Ministers would like to point out that a number of steering or conventional committees are already entrusted to monitor and promote implementation of conventions, i.e. reviewing regularly reservations made by contracting Parties. It admits that discussion of the matter in the steering or conventional committees might induce Contracting Parties to reconsider their position with regard to certain of their reservations and to restrict their scope of application or even withdraw them, especially those which are outdated or have never been applied in practice.

The Committee of Ministers has invited therefore all steering and conventional committees referred to above to examine in due course the question of reservations made in respect of each convention in their sphere of competence.

- E. **With regard to paragraph B.i. of the Recommendation**, the Committee of Ministers shares the Assembly's view about the advisability to include in each Convention a clause specifying whether reservations are admitted and, if this is the case, the conditions under which States may make them. However, it notices that the number of conventions containing no provisions on reservations has already considerably diminished in recent practice. Since 1983 only six Council of Europe conventions and agreements fall into this category, as well as Protocols No. 8, 9 and 10 to the European Convention on Human Rights (ETS No. 118, 140 and 146). However, since these Protocols only contain provisions modifying the procedure of the Convention organs, the formulation of reservations appears to be inadmissible in this case.

Two other conventions, the European Charter of Local Self-Government (ETS No. 122) and the Additional Protocol to the European Social Charter (ETS No. 128), are also silent on the question of reservations, but contain clauses allowing contracting parties to select certain provisions of the substantive part by which they consider themselves bound.

- F. **With regard to paragraph B.ii. of the Recommendation**, the Committee of Ministers cannot support either the Assembly's suggestion on limiting the validity of reservations to a maximum period of ten years, or the one on their automatic invalidity in case of non-renewal. The past experience has shown that provisions of this type did not facilitate the application of Conventions since they were not followed in practice. The Committee of Ministers recalls that under the present international law, the right of a State to maintain its reservations has remained unfettered and therefore finds it preferable to limit the number of reservations to the necessary minimum in order to ensure a wide-ranging participation of member States.

- G. **With regard to paragraph B.iii. of the Recommendation, the Committee of Ministers believes that conventional committees cannot be endowed with supervisory powers as proposed by the Parliamentary Assembly. Due to their composition and status they are not competent to exercise quasi-judicial functions since they are usually composed of public officials who are subject to instructions by their respective governments. Their purely consultative opinions on reservations would probably not be endorsed by contracting parties. The existing practice shows that these committees do not usually go any further than inviting future contracting States to ratify without making any reservations."**

508th meeting - February 1994

Item JUR2

JUR2

**DRAFT RECOMMENDATION No. R(94).. ON THE
PROTECTION OF PERSONAL DATA IN THE AREA
OF TELECOMMUNICATIONS SERVICES,
WITH PARTICULAR REFERENCE TO TELEPHONE SERVICES**
(Concl(92)482/17b, CM/Del/Dec/Act(94)506/HR1
CM(92)157, CM(93)216, CM(94)18)

Decisions

The Deputies

1. asked the European Committee on Legal Co-operation (CDCJ) to resume consideration, in co-operation with the Project Group on Data Protection (CJ-PD), of the draft Recommendation, in the light, in particular, of the opinion of the Steering Committee for Human Rights (CDDH) appearing in Appendix III of CM(93)216;
2. agreed to resume consideration of this item at one of their forthcoming meetings, in the light of the outcome of the work of the CDCJ.

JUR3

CONDITION OF TRANSSEXUALS
Parliamentary Assembly Recommendation 1117 (1989)
(Concl(92)482/19, CM(93)116 and CM(94)11)

Decision

The Deputies adopted the following supplementary reply to Parliamentary Assembly Recommendation 1117 (1989) on the condition of transsexuals:

"The Committee of Ministers, having (twice) consulted the European Committee on Legal Co-operation (CDCJ) and the Steering Committee for Human Rights (CDDH) and having thoroughly considered Recommendation 1117 (1989), gives the following supplementary reply to the Parliamentary Assembly:

1. The Committee of Ministers shares the Assembly's view that transsexualism raises complex questions requiring solutions compatible with respect for fundamental rights. It declares its awareness of the serious problems faced by transsexuals, who are often victims of discrimination.

It notes, however, that uncertainty concerning the underlying nature of transsexualism has unfortunately not entirely disappeared, although attitudes have changed and science has progressed. It observes with satisfaction in this connection that the recent case law of the European Commission and Court of Human Rights has prompted encouraging developments in the judicial practice of certain member States regarding legal recognition of the new sexual identity of transsexuals.

It also stresses that the legal situations resulting from transsexualism, particularly as regards marriage and filiation, are proving very complex and necessitate detailed, comprehensive study (including legal recognition of their new sexual identity).

2. The Committee of Ministers notes the fact that decisions concerning the legal status of transsexuals are often still left to administrative or judicial authorities in the member States, although some States have already enacted specific legislation to enable transsexuals to undergo sex reassignment surgery and to have their new sexual identity recognised.

In this connection, the Committee of Ministers draws from the case law of the European Court the conclusion that the Court considers State practice and national case law allowing, *inter alia*, for changes in registers of births after sexual conversion surgery to be an essential element for judging whether or not the Convention has been violated. The Committee is also aware of the fact that the Court is conscious of the problems transsexuals face and considers it important to keep the need for appropriate legal measures under review.

The Committee of Ministers, while noting, like the European Court of Human Rights in the case of *B. versus France*, that there is no broad consensus on this matter among Council of Europe member States, considers that there is a trend towards recognition of post-operative transsexuals which manifests itself in, for example, the authorisation of changes on birth certificates.

3. The Committee of Ministers is therefore of the opinion that:
 - i. for a transsexual the transformation he or she seeks to achieve with the assistance of medical science is only completed when his or her newly acquired sexual identity is recognised by law;
 - ii. this does no more than give legal effect to a *fait accompli* based on medical judgment and action which is irreversible;
 - iii. with a view to providing legal certainty both for the individual and society, and to giving the best possible guidelines to the judiciary and administrative authorities, minimum requirements for sex reassignment surgery and the legal recognition of the new sexual identity would be clearly preferable to approaches of an *ad hoc* nature.
4. The Committee of Ministers recalls that all member States should take account of the case law of the European Court with regard to the legal recognition of transsexuals, the emphasis the Court lays on the seriousness of the problems affecting transsexuals, and the importance of keeping under review the need for appropriate legal measures in this area.
5. The Committee of Ministers considers, bearing in mind also the results of the 23rd Colloquy on European Law, that the legal situation of transsexuals is unsatisfactory and that information is urgently needed in this area. It therefore notes with satisfaction that the European Committee on Legal Co-operation (CDCJ) has amended the terms of reference of the Committee of

Experts on Family Law (CJ-FA) to allow it to study the whole question of transsexuals in detail. The CJ-FA has thus been given the following terms of reference: "Study of questions concerning transsexuals in order to assist member States in dealing with legal problems concerning transsexuals and the preparation of a report containing criteria and possible means of solving these problems." In the light of this report, the CDCJ will make any appropriate proposals for the possible preparation of an international instrument on this question."

508th meeting - February 1994

Item JUR4

JUR4

FRANCHISING
Parliamentary Assembly Recommendation 1182 (1992)
(CM/Del/Dec/Act(93)490/22, CM(94)11)

Decision

The Deputies adopted the following reply to Parliamentary Assembly Recommendation 1182 (1992) on franchising:

"The Committee of Ministers, after having consulted the European Committee on Legal Co-operation (CDCJ) and recalling its interim reply given in March 1993, makes the following reply to the Parliamentary Assembly:

1. The Committee of Ministers recalls that the International Institute for the Unification of private law (UNIDROIT) is studying franchising agreements since 1985.
2. Following its note of 1992 on the examination of franchising areas which would lend themselves to international treatment, UNIDROIT decided to co-operate with the International Bar Association in preparing a guide to master franchise agreements. The guide, which could be ready within two years, would cover the situation in some forty States. The aim of the guide would be to provide information on the legislation and case law of these countries on this topic. It would also propose a number of standard clauses for master franchise contracts.
3. At its meeting of June 1993, the Governing Council of UNIDROIT also decided to set up a working party on franchising. The task of the working party, which could begin work in May 1994, is to examine the different aspects

of franchising, in particular the disclosure of information to the parties to the franchise agreement before and after the agreement is signed. In the case of international franchises, this study calls for the examination of all the disciplines making up the legal systems of the countries concerned. The working party will also consider questions related to the termination of master franchise agreements (cancellation, expiry of term), particularly with regard to sub-franchising agreements and the selection of the applicable law and competent courts. UNIDROIT's work could also lead to the drafting of an international instrument on this matter.

4. To avoid duplicating the work already under way in another international organisation, the CDCJ believes that it would not be advisable at the present time to undertake a study of franchising within the Council of Europe. However, it is desirable that the Council of Europe should follow the development of UNIDROIT's work on the question."

508th meeting - February 1994

Item JUR5

JUR5

SECTS AND NEW RELIGIOUS MOVEMENTS
Parliamentary Assembly Recommendation 1178 (1992)
(CM/Del/Dec/Act(93)497/30)

Decision

The Deputies adopted the following supplementary reply to Recommendation 1178 (1992) of the Parliamentary Assembly on sects and new religious movements:

"The Committee of Ministers informs the Parliamentary Assembly that it shares its concern about the problems caused by the increasing activities of certain sects and religious movements of a non-traditional character.

Having consulted the Council for Cultural Co-operation (CDCC), the European Committee on Legal Co-operation (CDCJ), the Steering Committee for Social Security (CDSS), the Steering Committee for Human Rights (CDDH) and the European Committee on Crime Problems (CDPC) and drawing attention to the interim reply adopted in April 1992, the Committee of Ministers makes the following supplementary reply to Recommendation 1178 (1992):

1. As regards the recommendation in paragraph 7.i, the Committee of Ministers observes that so far these questions have not been dealt with extensively in the cultural and educational programmes of the Council of Europe. However, the Council for Cultural Co-operation (CDCC) stated in its opinion that it supported this Assembly's proposal and would certainly be tackling the subject in its future work, in particular on human rights education, multicultural society and intercultural education. The Committee of Ministers encourages the CDCC to pursue its work on these questions.

2. The Committee of Ministers likewise subscribes to the recommendation in paragraph 7.ii of Recommendation 1178. The Committee firmly believes that the public at large should be made aware, by appropriate means, of the nature and activities of sects and new religious movements as well as the risks they can encounter.

3. As regards the recommendation in paragraph 7.iii, the Committee of Ministers considers that States should not be invited to take steps which are based on a value judgment concerning cults and beliefs.

In addition, owing to the different traditions and legal systems, it does not seem appropriate to recommend every government to require all sects and new religious movements to obtain corporate status, it being understood that members of such sects and movements should respect the law of the country in which they reside.

The Committee notes that the Council of Europe does not have any legal instrument specifically on this subject and that at the moment the activities of sects and new religious movements are subject only to the rules on exercise of fundamental freedoms, such as Article 9 on freedom of thought, conscience and religion and Article 11 on freedom of association, of the European Convention on Human Rights.

The Assembly pointed out in paragraph 5 of the Recommendation, that "the freedom of conscience and religion guaranteed by Article 9 of the European Convention on Human Rights makes major legislation on sects undesirable, since such legislation might well interfere with this fundamental right and harm traditional religions". The Committee notes that other provisions of the Convention are also relevant here, for example Article 11 (freedom of association), Article 14 (non-discrimination), Article 2 of Protocol No. 1

(parents' right to have their children educated and instructed in conformity with their religious and philosophical convictions) or Article 17 of the Convention (grounds on which the exercise of rights may be restricted).

The Committee recalls that under the Convention, freedom of conscience and religion and a number of other freedoms secured by the Convention may be restricted and that the competent national authorities have a discretion in the matter. In the Committee's view this gives them a sufficient basis for legislating, where appropriate, on problems posed by sects and new religious movements. It is for the Convention's supervisory bodies to decide whether, in specific cases, there has been a breach of the Convention.

4. As regards the recommendation in paragraph 7.iv, the Committee of Ministers wishes to inform the Assembly that 16 States have ratified the Convention and to point out that a permanent committee has been established with instructions to look into and facilitate operation of the Convention.

The Committee urges those member States which have not yet done so to sign or ratify this Convention (ETS No. 105) and any other instruments relevant to the matter.

5. As regards the recommendation in paragraph 7.v, the Committee believes that countries where sects or religious movements operate should take steps to ensure that their laws are complied with, particularly in the best interest of the child, and so that there is effective exercise of parental responsibilities.

The Committee notes that a number of questions raised in the Assembly's Recommendation are to be considered in the preparation of the draft European Convention on the exercise of children's rights and in particular the question of means of protecting the welfare of the child. The European Committee on Legal Co-operation (CDCJ) stated in its opinion on this Recommendation that due account would be taken of the Recommendation in preparation of the draft convention. The Assembly will be kept informed.

In addition, Recommendation No. R (91) 9 of the Committee of Ministers on emergency measures in family matters took into account various problems that parents' membership of a sect could cause. It recommended that governments of member States "take all necessary steps to implement the principles [of the Recommendation] and ensure that effective emergency measures are available to the courts and other competent authorities dealing with family matters

to protect children and other persons who are in need of special protection and assistance and whose interests are in serious danger.".

It advocated simple and expeditious judicial procedures so that the competent authorities could take emergency decisions in children's interest. The explanatory memorandum to the Recommendation mentioned in particular as emergency power (para. 7.a) the court orders to protect the health of a child for example, to make possible that, contrary to the wishes of the parents, a child shall be given an urgently needed blood transfusion.

6. As regards the recommendation in paragraph 7.vi, the Committee would point out that it has adopted a number of Recommendations on social security and that the following might satisfactorily meet the problem of welfare cover for members of sects:

- Recommendations Nos. R (86) 5 on making medical care universally available and R (87) 5 on making old-age and invalidity benefits generally available;
- Recommendation No. R (91) 2 on social security for workers without professional status (helpers, persons at home with family responsibilities and voluntary workers);
- Recommendation No. R (92) 2 on making family benefits generally available recommended that the right to family allowances be extended progressively to cover all children residing in each member State.

In addition, the European Code of Social Security (ETS No. 48) and more particularly the revised code (ETS No. 139) allow contracting parties to extend most social security benefits to cover the entire resident population. Sixteen States have ratified the code in its original form, while the revised code has been signed by 14 States.".

JUR6

**EUROPEAN COMMITTEE ON LEGAL CO-OPERATION (CDCJ)
Abridged Report of the 60th meeting
(Strasbourg, 7-10 December 1993)
(CM(94)11)**

Decisions

The Deputies

1. agreed to resume consideration of the question of the publication of the text of the draft European Convention on the exercise of children's rights and its explanatory report (doc. CDCJ(93)60) at one of their forthcoming meetings, after the text has been considered by other relevant Council of Europe committees, in particular the Steering Committee on Social Policy (CDPS) and the European Steering Committee for Intergovernmental Co-operation in the Youth Field (CDEJ);
2. authorised the publication of the questionnaires on appeals and on persons exercising judicial functions and of the replies thereto (Appendices XI and XII to doc. CDCJ (93) 63);
3. authorised the publication of the proceedings of the 11th Colloquy on legal data processing (doc. CDCJ(93)50), held in Montreal from 4 to 6 October 1993 on the topic of "Bar, bench, prosecution and other legal professions: an integrated approach to information technology systems in the legal sector (administration of justice, documentation, integrated networks)";
4. took note of the CDCJ's wish to be consulted on the draft legal instruments to be prepared by the ad hoc Committee for the Protection of National Minorities (CAH-MIN).

JUR7

STEERING COMMITTEE ON BIOETHICS (CDBI)
Abridged Report of the 4th meeting
(Strasbourg, 29 November - 3 December 1993)
(CM(94)3)

Decisions

The Deputies

1. authorised the publication of the proceedings of the Council of Europe's Second Symposium on Bioethics (Strasbourg, 30 November - 2 December);
2. authorised the extension of the terms of office of the current Chairman and Vice-Chairman and of the current members of the Bureau until 15 July 1994, it being understood that the current members of the Bureau would be eligible for re-election for a further two-year term;
3. authorised the CDBI, in application of Rule 36 in Resolution (76) 3, to hold its next meeting in Lisbon from 18 to 22 April 1994;
4. instructed the Secretariat to prepare a draft Message from the Committee of Ministers to Steering and Ad Hoc Committees concerning the holding of meetings outside Strasbourg - recalling the relevant provisions of Resolution (76) 3 as regards the holding of meetings outside Strasbourg - with a view to its adoption at their 509th meeting (March 1994);
5. approved, as an exception to Article 18a of Appendix 2 to Resolution (76) 3, the enlargement of the CDBI Bureau from five to seven members.
6. having regard to decisions 1 to 5 above, took note of the abridged report of the 4th meeting of the CDBI (CM(94)3), as a whole.

ADM1

STAFF SALARIES
Co-ordinating Committee on Remuneration (CCR)
Adjustment of remuneration of the staff of
the Co-ordinated Organisations - 31st Report
(CM(94)12)

Decisions

The Deputies

1. approved the recommendations set out in paragraph 6.1 of the 31st Report of the Co-ordinating Committee on Remuneration (CM(94)12, Add.I) concerning adjustment of remuneration of the staff of the Co-ordinated Organisations and accordingly;
2. approved, with effect from 1 January 1994, the salary scales and allowances set out in the Annexes by country attached to the 31st Report, with the exception of the salary scales for B and C grade staff members for Belgium, France and Germany which are replaced by the salary scales set out in document CM(94)12, Addendum II;
3. noted that a further recommendation relating to the completion of the adjustment of remuneration for 1994, to take effect at 31 December 1994, will be submitted to Councils and thus to the Committee of Ministers when the conclusions of the experts' report on purchasing power parities and international (or common) indices have been examined;
4. noted that a separate recommendation concerning the adjustment of allowances fixed in absolute terms with retroactive effect at 1 January 1994 will be submitted to Councils and thus to the Committee of Ministers, when final, relevant data are available;
5. noted that, in accordance with the decision taken at the Deputies' 289th meeting (item XVIIIb), pensions (as calculated in application of the Pension Scheme Rules) are the subject of an identical proportional adjustment to that granted to serving staff at 1 January 1994;

6. noted that, in accordance with the interpretation given to paragraph 3 of the Co-ordinating Committee's 34th Report of 10 October 1965 (CCG(65)5), at the meeting on 29 June 1966 (CCG/M(66)6, the remuneration of auxiliary staff serving in the Co-ordinated Organisations will be adjusted in the same proportions as that of permanent staff;
7. adopted Resolution (94) 4 on Revision of the Regulations governing Staff Salaries and Allowances, as it appears at Appendix 13 to the present volume of Decisions;
8. adopted Resolution (94) 5 on the Remuneration of Specially Appointed Officials, as it appears at Appendix 14 to the present volume of Decisions;
9. 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;
10. released the appropriations frozen under the relevant sub-heads of the ordinary budget and the Partial Agreement budgets necessary to meet the increase in the employer's contributions to the French Social Security Scheme, as detailed in document CM(94)12.

508th meeting - February 1994

Item ADM2

ADM2

**EXCEPTIONAL REVIEW AT 1 JANUARY 1994 OF THE DAILY
RATES OF SUBSISTENCE ALLOWANCE OF STAFF OF THE
CO-ORDINATED ORGANISATIONS
30th Report of the
Co-ordinating Committee on Remuneration (CCR)
(CM(94)13)**

Decision

The Deputies approved the 30th Report of the Co-ordinating Committee on Remunerations (CM(94)13), in particular the recommendation made in paragraph 3.

508th meeting - February 1994

Item ADM3

ADM3

**REVIEW AS AT 1 JANUARY 1994 OF THE AMOUNTS
OF THE KILOMETRIC ALLOWANCE FOR STAFF OF THE
CO-ORDINATED ORGANISATIONS**
32nd Report of the
Co-ordinating Committee on Remuneration (CCR)
(CM(94)14)

Decision

The Deputies approved the 32nd Report of the Co-ordinating Committee on Remuneration (CM(94)14), in particular the recommendation made in paragraph 4.1.

508th meeting - February 1994

Item ADM4

ADM4

**ADJUSTMENT OF REMUNERATION OF THE STAFF OF THE
CO-ORDINATED ORGANISATIONS AT 1 JULY 1993**
29th Report of the
Co-ordinating Committee on Remuneration (CCR)
(CM(94)15)

Decisions

The Deputies

1. approved the 29th Report of the Co-ordinating Committee on Remuneration (CM(94)15), and accordingly,
2. authorised the Secretary General to apply, with effect from 1 July 1993, the adjustments of remuneration proposed therein insofar as they concern the Council of Europe.

508th meeting - February 1994

Item ADM5

ADM5

**PAYMENT OF LEAVING ALLOWANCE IN
HIGH-INFLATION COUNTRIES
28th Report of the
Co-ordinating Committee on Remuneration (CCR)
(CM(94)16)**

Decision

The Deputies approved the 28th report of the Co-ordinating Committee on Remuneration (CM(94)16).

508th meeting - February 1994

Item ADM6

ADM6

**IMPLEMENTATION OF A PROCEDURE FOR CERTIFICATION
OF SUITABILITY OF THE MONOGRAPHS OF THE
EUROPEAN PHARMACOPOEIA
Opening of a special account
(CM(94)20)**

Decisions

The Representatives on the Committee of Ministers of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia²

1. took note of the proposal of the European Pharmacopoeia Commission to establish a procedure for certification of suitability of the monographs of the European Pharmacopoeia, as set out in CM(94)20);
2. authorised the Secretary General to open a special account for receiving the dossier fees for the certificate of suitability of the monographs of the European Pharmacopoeia for a trial period of 2 years, beginning on 1 January 1994, and to which

² Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Slovenia, Sweden, Switzerland, United Kingdom.

will be charged the expenses in connection with the certification procedure, as indicated in Appendix 1 to CM(94)20;

3. agreed that the account would be closed on 31 March 1996, unless otherwise agreed at one of their forthcoming meetings on the basis of the proposals referred to in decision 4 below;

4. took note that, at the end of the trial period, a financial evaluation of the running procedure will be carried out, and proposals submitted to them, in particular as concerns any balance remaining in the special account;

5. decided that no fixed-rate deductions to help cover general expenditure would be made.

508th meeting - February 1994

Item ADM8

ADM8

**ANNUAL RETAINERS OF THE JUDGES OF THE
EUROPEAN COURT OF HUMAN RIGHTS AND THE MEMBERS OF
THE EUROPEAN COMMISSION OF HUMAN RIGHTS**

Decision

The Deputies confirmed their decision, taken when adopting the 1994 Budget at their 502nd meeting (December 1993, Item 5, Part I, decision 2) that the rates of all the various allowances, retainers and honoraria, including the annual retainers, payable to the Judges on the European Court of Human Rights and the members of the European Commission of Human Rights be maintained in 1994 at the same level as in 1993.

ADM9

COMMITTEE ON WORKS OF ART
4th meeting (Strasbourg, 26 January 1994)
Gifts from the Government of the Netherlands and
from the Government of Poland

Decisions

The Deputies, on the basis of the unanimous recommendation made by the Committee on Works of Art, decided to accept:

1. the gift from the Government of the Netherlands of a picture entitled "Coherence" by the Dutch artist Jan van der Meulen. This picture might be displayed in the meeting room of the Office of the Clerk of the Assembly on the 6th floor of the Palais de l'Europe with, if possible, a brief biographical note and an explanation of the painter's intentions;
2. the gift from the Government of Poland of a facsimile of the text of the first Polish Constitution. This might be displayed either in the Library or in the New Human Rights Building, which is already to house two documents on the same theme: Magna Carta and the Constitution of Hungary.

APPENDIX 1

508th MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 14 (3 pm) February 1994 - B level)

AGENDA

OJ1 Adoption of the Agenda and of the Order of Business

General Questions

GEN3# Conferences of Specialised Ministers - State of preparation
(CM/Del/Dec/Act(94)506/POL4, SG/D/Inf(94)1 of 31.1.94)
(Notes No. 94/31 of 1.2.94)

Social and Economic Questions

SOC1(1) Possible enlargement of the circle of States participating in the activities relating to the rehabilitation and integration of people with disabilities carried out under the Partial Agreement in the social and public health field
(CM/Del/Dec/Act(93)500/28, CM(92)218, (93)166)
(Notes No. 94/53 of ...)

SOC2(2) 5th Conference of European Ministers responsible for migration questions (Athens, 18-19 November 1993) - Report of the Secretary General
(CM(94)19 of ...)

SOC3 Exchanges involving young workers after the revolutionary changes of 1989 - Parliamentary Assembly Recommendation 1191 (1992)
(Notes No. 94/55 of 4.2.94)

(1) For technical reasons, the Secretariat suggests the postponement of this item to a future meeting

(2) For technical reasons, the Secretariat suggests the postponement of this item to the 509th meeting of the Ministers' Deputies (March 1994).

No debate envisaged

- SOC5# Fifth Conference of European Ministers of Labour (Valletta, 28-29 October 1993) - Report of the Secretary General (CM(94)10)
(Notes No. 94/57 of 4.2.94)
- SOC6 Integration of migrants and community relations - Parliamentary Assembly Recommendation 1206 (1993)
(CM/Del/Dec/Act(94)506/SOC3)
(Notes No. 94/58 of 8.2.94)
- SOC7#(1) 23rd Session of the Conference of European Ministers responsible for Family Affairs (Paris, 14-15 October 1993) - Report by the Secretary General (CM(94)21)
(Notes No. 94/74 of 4.2.94)

Youth

- YOU1 Draft Recommendation No. R(94)... on the promotion of a voluntary service (CM(94)2)
(Notes No. 94/59 of 1.2.94)
- YOU2 (1) Partial Agreement on the Youth Card - Appointment of five Governmental members of the Board of Co-ordination
(Notes No. 94/60 of 28.1.94)
- YOU3 (1) European Youth Centre and the European Youth Foundation - Composition of the Advisory Committee: Replacement of one national Committee
(Notes No. 94/76 of 28.1.94)

(1) Item added after approval of the draft agenda.

No debate envisaged

Environment and Local Authorities

- ENV1 Health effects of the Chernobyl nuclear accident and the need for stronger international action - Parliamentary Assembly Recommendation 1208 (1993)
(Notes No. 94/62 of 7.2.94)
- ENV2# Steering Committee on Local and Regional Authorities (CDLR)
- a. Abridged report of the 12th meeting (Strasbourg, 1-3 December 1993)
(CM(94)4)
 - b. Opinion of the Select Committee of Experts on transfrontier co-operation (LR-R-CT) on Resolution 254 (1993) of the CLRAE on the impact on local and regional authorities of the single market, the Maastricht Treaty and the European economic area
- (Notes No. 94/63 of 4.2.94)
- ENV3# Oil pollution of the seas - Parliamentary Assembly Recommendation 1227 (1993)
(CM/Del/Dec/Act(93)503/39, 504/55 and (94)506/ENV6)
(Notes No. 94/65 of 4.2.94)

Legal Questions

- JUR1 Reservations made by member States to Council of Europe Conventions - Parliamentary Assembly Recommendation 1223 (1993)
(CM/Del/Dec/Act(93)500/6bii, GR-J(94)1)
(Notes No. 94/46 of 27.1.94)
- JUR2 Draft Recommendation No. R(94)... on the protection of personal data in the area of telecommunications services, with particular reference to telephone services
(Concl(92)482/17b, CM/Del/Dec(94)506/HR1, CM(92)157, (93)216 and (94)18)
(Notes No. 94/47 of 26.1.94)

Appendix 1

- JUR3# Condition of transsexuals - Parliamentary Assembly Recommendation 1117 (1989)
(Concl(92)482/19, CM(93)116, CM(94)11)
(Notes No. 94/48 of 3.2.94)
- JUR4# Franchising - Parliamentary Assembly Recommendation 1182 (1992)
(CM/Del/Dec/Act(93)490/22, CM(94)11)
(Notes No. 94/49 of 28.1.94)
- JUR5 Sects and new religious movements - Parliamentary Assembly Recommendation 1178 (1992)
(CM/Del/Dec/Act(93)497/30)
(Notes No. 94/50 of 28.1.94)
- JUR6# European Committee on Legal Co-operation (CDCJ) - Abridged report of the 60th meeting (Strasbourg, 7-10 December 1993)
(CM(94)11)
(Notes No. 94/51 of 2.2.94)
- JUR7 Steering Committee on Bioethics (CDBI) - Abridged report of the 4th meeting (Strasbourg, 29 November - 3 December 1993)
(CM(94)3)
(Notes No. 94/52 of 4.2.94)

Administrative Questions

- ADM2# Exceptional review at 1 January 1994 of the daily rates of subsistence allowance of staff of the Co-ordinated Organisations - 30th report of the Co-ordinating Committee on Remuneration (CCR)
(CM(94)13)
(Notes No. 94/66 of 4.2.94)
- ADM3# Review as at 1 January 1994 of the amounts of the kilometric allowance for staff of the Co-ordinated Organisations - 32nd report of the Co-ordinating Committee on Remuneration (CCR)
(CM(94)14)
(Notes No. 94/67 of 4.2.94)

- ADM4 Adjustment of remuneration of the staff of the Co-ordinated Organisations at 1 July 1993 - 29th report of the Co-ordinating Committee on Remuneration (CCR)
(CM(94)15)
(Notes No. 94/68 of 3.2.94)
- ADM5# Payment of leaving allowance in high-inflation countries - 28th Report of the Co-ordinating Committee on Remuneration (CCR)
(CM(94)16)
(Notes No. 94/69 of 3.2.94)
- ADM6# Implementation of a procedure for certification of suitability of the monographs of the European Pharmacopoeia - Opening of a special account
(CM(94)20)
(Notes No. 94/70 of 4.2.94)
- ADM7(1) Appeals Board - Appointment of a substitute member
(CM/Del/Dec/Act(93)503/35, CM(93)196)
- ADM9#(2) Committee on Works of Art - 4th meeting (Strasbourg, 26 January 1994)
Gifts from the Government of the Netherlands and from the Government of Poland
(Notes No. 94/83 of 4.2.94)

No debate envisaged

- (1) The Secretariat will make an oral statement following the Bureau meeting
- (2) Item added after approval of the draft agenda

APPENDIX 2

508th MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 15 (3pm) to 17 February 1994 - A level)

AGENDA

OJ1 Adoption of the Agenda and of the Order of Business

General Questions

GEN1 Preparation of forthcoming meetings
(Notes No. 94/30 of 16.2.94)

GEN2 Communication from the Secretary General

GEN4 Parliamentary Assembly - Follow up to the 1st Part of the 1994 Session
(Strasbourg, 24-28 January 1994)

- i. Statement by the Clerk on the 1st Part of the 1994 Session and other Assembly activities
- ii. Texts adopted
(Notes No. 94/33 of 4.2.94)
- iii. Parliamentary questions for oral reply by the Chairman of the Committee of Ministers
(AS(1994)CR7)
(Notes No. 94/34 of 31.1.94)

GEN5 Preparation of the various programmes of activities of the Organisation for 1995
(CM/Del/Dec/Act(94)506/POL3)
(Notes No. 94/35 of 7.2.94)

Political Questions

POL1 Current Political Questions

- a. Relations with countries of Central and Eastern Europe
(CM/Del/Dec/Act(94)506/POL2)
- b. Other questions
(CM/Del/Dec/Act(94)506/POL1, CM(94)8)

(Notes No. 94/36 of 4.2.94)

POL3 Situation in Cyprus
(CM/Del/Dec/Act(94)506/POL6)
(Notes No. 94/37 of 28.1.94)

POL4 Relations between the Council of Europe and the CSCE
(Notes No. 94/38 of 11.2.94)

POL5 Organisation of the political dialogue
(CM/Del/Dec/Act(94)506/POL1 and 2)
(Notes No. 94/39 of 4.2.94)

POL6 Confidence-building measures relating to minorities
(CM(93)204)
(Notes No. 94/40 of 11.2.94)

Human Rights

**HR1 Change in the system for submission of the reports provided for by the
European Social Charter**
(CM/Del/Dec/Act(93)504/2, CM(92)115 and 152 and CM(93)162
Addendum and Addendum 2)
(Notes No. 94/41 of 9.2.94)

**HR2 European Social Charter - Draft additional Protocol providing for a
system of collective complaints**
(CM/Del/Dec/Act(93)500bis/5, CM(92)186, CM(93)32 rev. and
Addendum, Addendum 2, Addendum 3, Addendum 4)
(Notes No. 94/42 of 9.2.94)

- HR3 Committee for the European Social Charter (CHARTE-REL) - Interim activity report
(CM(94)1)
(Notes No. 94/43 of 31.1.94)
- HR4 Committee of Independent Experts of the European Social Charter - Procedure for the election of members of the Committee of Independent Experts set up under Article 25 of the Charter
(CM/Del/Dec/Act(94)506/HR5)
(Notes No. 94/44 of 9.2.94)
- HR5(1) Ad hoc Committee for the protection of national minorities (CAHMIN) - Abridged Report of the 1st meeting (Strasbourg, 25-28 January 1994)
(CM(94)35 of 4.2.94)
(Notes No. 94/84 of 9.2.94)
- HR6(1) Nomination of candidates for the election of a judge of the European Court of Human Rights in respect of Romania
(CM(94)36 of 8.2.94)
(Notes No. 94/85 of 8.2.94)
- HR7(1) Situation of Human Rights in Turkey - Written Question No. 355 by Mrs Baarveld-Schlaman
(CM/Del/Dec/(94)507/HR1, CM(93)207)
(Notes No. 94/86 of 4.2.94)
- HR8 Nomination of candidates for the election of a judge of the European Court of Human Rights in respect of Lithuania
(CM(94)38 of 14.2.94)
(Notes No. 94/146 of 14.2.94)

Mass Media

- MM1 Draft European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite
(CM/Del/Dec/Act(94)506/MM3, CM(94)5)
(Notes No. 94/45 of 3.2.94)

(1) Item added after approval of the draft agenda

Social and Economic Questions

- SOC4 Convention on the elaboration of a European Pharmacopoeia (ETS No. 50) - Request for observer status from China
(CM(94)22)
(Notes No. 94/56 of 7.2.94)

Education, Culture and Sport

- ECS1 European Centre for Modern Languages in Graz - Proposal by the Delegations of Austria and the Netherlands to create a Partial Agreement
(CM(94)7)
(Notes No. 94/73 of 4.2.94)

Administrative Questions

- ADM1 Staff salaries - Co-ordinating Committee on Remuneration (CCR) - Adjustment of remuneration of the staff of the Co-ordinated Organisations - 31st report
(CM(94)12)
(Notes No. 94/27 of 28.1.94)
- ADM8 Annual retainers of the Judges of the European Court of Human Rights and the members of the European Commission of Human Rights
(Notes No. 94/72 of 8.2.94)

APPENDIX 3
(item GEN1)

509th MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 14(3pm) - 15 March 1994 - B level)

DRAFT 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)508/GEN3, CM(94)43,
SG/D/Inf(94)2 of 14.2.94)
(Notes No. 94/148 of ...)

3. Parliamentary Assembly

3.4# Management of water resources in relation to agriculture - Parliamentary
Assembly Recommendation 1232 (1994)
(CM/Del/Dec/Act(94)508/GEN4.ii)
(Notes No. 94/154 of ...)

3.5 European environmental policy (1992-93) - Parliamentary Assembly
Recommendation 1233 (1994)
(CM/Del/Dec/Act(94)508/GEN4.ii)
(Notes No. 94/155 of ...)

no debate envisaged

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	:	14 February 1994
	Notes	:	4 March 1994

6. Social and Economic questions

6.1 European Social Security Committee (CDSS)

- #a. Abridged report of the 42nd meeting (Strasbourg, 23-26 November 1993)
- b. Draft Protocol to the European Convention on Social Security
- c. Application of the European Code of Social Security and its Protocol: Draft Resolutions CSS(94)... to ...

(CM(93)37)
(Notes No. 94/152 of ...)

6.2 5th Conference of European Ministers responsible for Migration questions (Athens, 18-19 November 1993) - Report of the Secretary General

(CM(94)19)
(Notes No. 94/156 of ...)

6.3 European Health Committee (CDSP)

- #a. Abridged report of the 34th meeting (Strasbourg, 30 November - 2 December 1993)
- b. Draft Recommendation on screening as a tool of preventive medicine
- c. Draft Recommendation on human tissue banks

(CM(94)42)
(Notes No. 94/153 of ...)

no debate envisaged

- 6.4 Steering Committee for Employment and Labour (CDEM)
- #a. Abridged report of the 14th meeting (Malta, 25 and 27 October 1993)
- b. Draft Recommendation on the development of small- and medium-sized enterprises
- (CM(94)41)
 (Notes No. 94/150 of ...)
- 6.5 Exchanges involving young workers after the revolutionary changes of 1989 - Parliamentary Assembly Recommendation 1191 (1992)
 (CM/Del/Dec/Act(94)508/SOC3)
 (Notes No. 94/55 of ...)
7. Education, Culture and Sport
- 7.1 Committee for the Development of Sport (CDDS) - Abridged report of the 17th meeting (Strasbourg, 2-4 February 1994)
 (CM(94)40)
 (Notes No. 94/151 of ...)
8. Youth
- 8.1# Partial Agreement on the Youth Card - Proposal for amendment of the Lisbon Protocol
 (Notes No. 94/149 of ...)

no debate envisaged

9. Environment and Local Authorities

9.1 Open Partial Agreement on the prevention of, protection against and organisation of relief in major natural and technological disasters

a. Request from "The Former Yugoslav Republic of Macedonia" to be invited to accede

b. Request from Latvia to be invited to accede

(Notes No. 94/144 of ...)

9.2 Steering Committee for the Conservation and Management of the Environment and Natural Habitats (CDPE) - Abridged report of the 9th meeting (Strasbourg, 9-10 December 1993)
(CM(94)33)
(Notes No. 94/145 of ...)

10. Legal questions

10.1# Convention on the transfer of sentenced persons (ETS 112) - Request by the Republic of Costa Rica to be invited to accede to the Convention
(Notes No. 94/147 of 17.2.94)

11. Administrative questions

11.1 Ad hoc Committee of Experts on Accommodation needs in the Human Rights Sector (CAHLO)

a. Report on the new Human Rights Building

b. Alteration of premises in the Palais de l'Europe (Rooms 10, 11, 12 and 13)

(CM(94)...)

(Notes No. 94/157 of ...)

- 11.3# Extension of the opening of the special account "Secretary General's Colloquy 1992, Europe/North America"
(Notes No. 94/158 of ...)
- 11.4 Draft message from the Committee of Ministers to Steering and Ad Hoc Committees concerning the holding of meetings outside Strasbourg
(Resolution (76)3)
(CM/Del/Dec/Act(94)508/JUR7)
(Notes No. 94/159 of ...)
- 11.5 Appeals Board - Appointment of a substitute member
(CM/Del/Dec/Act(93)503/35, (94)508/ADM7, CM(93)196)
(Notes No. 94/160 of ...)

no debate envisaged

APPENDIX 4
(item GEN1)

509th MEETING OF THE MINISTERS' DEPUTIES
(Strasbourg, 15(3pm) - 18 March 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. 94/161 of ...)
- 1.3 Communication from the Secretary General
- 1.5 Election of the Secretary General
(CM/Del/Dec/Act(94)506bis/GEN1, CM(93)192, 195 and Addendum and 222)
(Notes No. 94/162 of ...)
- 1.6 Committee of Ministers - Preparation of the 94th Session (11 May 1994)
(Notes No. 94/163 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 :	15 February 1994
	Notes :	4 March 1994

1.7 Humanitarian situation and needs of the refugees, displaced persons and other vulnerable groups in the countries of the former Yugoslavia - Paragraph 9vii of Parliamentary Assembly Resolution 1019 (1994)
(CM/Del/Dec/Act(94)508/GEN4ii)
(Notes No. 94/170 of ...)

1.8 Joint Liaison Committees - Council of Europe/OECD
(Notes No. 94/171 of ...)

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)508/POL1)
(Notes No. 94/164 of ...)

2.2 Situation in Cyprus
(CM/Del/Dec/Act(94)508/POL3)
(Notes No. 94/165 of ...)

2.3 Relations between the Council of Europe and the CSCE
(Notes No. 94/172 of ...)

3. Parliamentary Assembly

3.1 Ethics of journalism - Parliamentary Assembly Recommendation 1215 (1993)
(CM/Del/Dec/Act(94)506/MM2)
(Notes No. 94/166 of ...)
(Preparation by the Rapporteur Group on Human Rights (already foreseen))

3.2 Follow-up to be given to the Vienna Summit - Parliamentary Assembly Recommendation 1231 (1994)
(CM/Del/Dec/Act(94)508/GEN4.ii)
(Notes No. 94/167 of ...)

4. Human Rights

- 4.1 Situation of human rights in Greece - Written Question No. 356 by
Mr. Güner
(CM(94)39)
(Notes No. 94/168 of ...)

7. Education, Culture and Sport

- 7.2 European Centre for Modern Languages in Graz - Proposal by the
Delegations of Austria and the Netherlands to create a Partial Agreement
(CM/Del/Dec/Act(94)508/ECS1, CM(94)7)
(Notes No. 94/173 of ...)

11. Administrative questions

- 11.2 Proposals for amendments to the Regulations on appointments
(CM(94)45)
(Notes No. 94/169 of ...)
- 11.6 Prospects for the 1995 Budget
(Notes No. 94/174 of ...)

APPENDIX 5
(item GEN1)

February 1994

Restricted
LCML(94)OJ1

**ELEVENTH MEETING OF THE LIAISON COMMITTEE BETWEEN THE
COUNCIL OF EUROPE AND MANAGEMENT AND LABOUR (LCML)**

(Strasbourg, 8 March 1994,
Committee of Ministers' meeting room)

AGENDA

1. Opening of the meeting by the Chairman of the Liaison Committee.
2. Exchange of views on the follow-up to the Summit of Heads of State and Government (Vienna, 8-9 October 1993) and particularly the Plan of Action on combating racism, xenophobia, antisemitism and intolerance (Doc. SG/Inf(94)3).
3. Exchange of views on perspectives for co-operation with countries of Central and Eastern Europe (Doc. SG/Inf(94)2).
4. Exchange of views on the evolution of the European social dimension, the role of the European Social Charter and the state of work on reform of the Charter.
5. Exchange of views on the report by the Secretary General on hearings held in 1993 (LCML(94)1).
6. Discussion of the intergovernmental activities of the Council of Europe in the social, cultural and educational fields¹:
 - a. Information and views of management and labour on current activities (Intergovernmental Programme of Activities for 1994, doc. MEP(94)2);
 - b. Preparation of the outline programme of hearings to be held in 1994;
 - c. Proposals of management and labour on future activities.
7. Other business.
8. Date of next meeting.

¹

The Secretariat will circulate, as soon as it is available, the list of activities which management and labour wish to raise.

APPENDIX 6
(item GEN4aii)

DECISION No. CM/583/170294

Ad hoc terms of reference

1. Name of committee : STEERING COMMITTEE ON THE MASS MEDIA (CDMM)
2. Source of terms of reference : Committee of Ministers
3. Completion date : 30 June 1994
4. Terms of reference :

To formulate an opinion on Parliamentary Assembly Recommendation 1228 (1994) on cable networks and local television stations: their importance for Greater Europe
5. Other Committee(s) to be informed of terms of reference :

APPENDIX 7
(item GEN4aii)

DECISION No. CM/584/170294

Ad hoc terms of reference

1. Name of committee : STEERING COMMITTEE ON EQUALITY
BETWEEN WOMEN AND MEN (CDEG)
2. Source of terms
of reference : Committee of Ministers
3. Completion date : 31 March 1994
4. Terms of reference :

To formulate an opinion on Parliamentary Assembly Recommendation 1229
(1994) on equality of rights between men and women in particular on the
proposals in paragraph 8.
5. Other Committee(s)
to be informed of
terms of reference :

APPENDIX 8
(item GEN4iii)

DENOMINATION OF THE PARLIAMENTARY ASSEMBLY

Strasbourg

Sir,

In reply to your letter of 9 February 1994 concerning the title "Parliamentary Assembly", I wish to inform you that this matter was immediately referred to the Deputies for consideration at their 508th meeting (February 1994), in accordance with the undertaking given on 27 January by Mr Robert Urbain, Minister for Foreign Trade and European Affairs of Belgium, in his capacity as Chairman-in-Office of the Committee of Ministers, in his reply to the question by Lord Finsberg.

Following the discussion held on the subject, the Deputies decided that the title "Parliamentary Assembly" would henceforth be used in all Council of Europe documents, in accordance with the practice established in recent Statutory Resolutions and in a number of conventions and recommendations adopted by the Committee of Ministers.

Please accept, Sir, the assurance of my highest consideration.

Hugo FONDER
Chairman of the Ministers' Deputies

Mr Miguel Angel MARTINEZ
President, Parliamentary Assembly
Council of Europe
F-67075 STRASBOURG CEDEX

APPENDIX 9
(item MM1)

**EUROPEAN CONVENTION RELATING TO QUESTIONS ON
COPYRIGHT LAW AND NEIGHBOURING RIGHTS IN THE
FRAMEWORK OF TRANSFRONTIER BROADCASTING BY SATELLITE**

PREAMBLE

The Member States of the Council of Europe and the other States Party to the European Cultural Convention, signatory hereto,

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

Recalling their commitment to freedom of expression and information and the free flow of information and ideas as expressed, in particular, in the Declaration of 29 April 1982 of the Committee of Ministers of the Council of Europe on the freedom of expression and information;

Bearing in mind the concerns which inspired the adoption, by the Committee of Ministers, of Recommendation No. R (86) 2 on principles relating to copyright law questions in the field of television by satellite and cable, notably the need to safeguard the rights and interests of authors and other contributors when protected works and other contributions are broadcast by satellite;

Having regard to technical developments, in particular in the field of broadcasting by satellite, which have resulted in the blurring of the technical differences between direct broadcasting satellites and fixed service satellites, making it necessary to consider further legal aspects of broadcasting by satellite from the viewpoint of copyright law and neighbouring rights;

Bearing in mind, at the same time, the need not to hamper these new technical developments as well as the interest of the general public in having access to the media;

Concerned to promote the broadest possible harmonisation of the law of the member States, and the other States Party to the European Cultural Convention, on copyright and neighbouring rights with regard to new technical developments in the field of broadcasting by satellite;

Have agreed as follows:

For the purposes of copyright and neighbouring rights:

CHAPTER I: THE NOTION AND ACT OF BROADCASTING

Article 1 - The notion of broadcasting

1. The transmission of works and other contributions by direct broadcasting satellite is broadcasting.
2. The transmission of works and other contributions by fixed service satellite under conditions which, as far as individual direct reception by the general public is concerned, are comparable to those prevailing in the case of direct broadcasting satellites, shall be treated as broadcasting.
3. The transmission of programme-carrying signals in encrypted form is considered to be broadcasting, in cases where the means for decoding the broadcast are made available to the general public by the broadcasting organisation, or with its consent.

Article 2 - The act of broadcasting

An act of broadcasting by satellite shall be considered to comprise both the up-link to the satellite and the down-link to the earth.

CHAPTER II: THE APPLICABLE LAW

Article 3 - The applicable law

1. A transmission of works and other contributions covered by Article 1 occurs in the State Party in the territory of which the transmission originates and, therefore, shall be governed exclusively by the law of that State.
2. The State Party in the territory of which the transmission originates means the State Party in which the programme-carrying signals transmitted by satellite are introduced, under the control and responsibility of the broadcasting organisation, into an uninterrupted chain of communication via the up-link and down to the earth.

3. When the transmission originates in a State which is not a party to this Convention, the law of which does not provide the level of protection of right holders foreseen in Articles 4 and 5 of this Convention, and when the programme-carrying signals are transmitted by satellite from an up-link station situated in a State Party to this Convention, the transmission shall be deemed to originate in the State Party concerned. Such shall also be deemed to be the case when a broadcasting organisation established in a State Party to this Convention is responsible for the transmission.

Article 4 - Copyright

1. Authors of works mentioned in Article 2 of the Berne Convention for the Protection of Literary and Artistic Works shall, as far as transfrontier broadcasting by satellite is concerned, be protected in conformity with the provisions of that Convention (Paris Act, 1971). In particular, rights for transfrontier broadcasting by satellite concerning such works shall be acquired contractually.

2. Subject to the provisions of paragraph 3 and where the relevant applicable law according to Article 3 of this Convention has already provided so on the date of opening for signature of this Convention, a collective agreement concluded with a broadcasting organisation for a given category of works may be extended to right-holders of the same category who are not represented, on the following conditions:

- a non-represented right-holder, at any time, shall have the possibility of excluding, in his respect, the effect of an extended collective agreement and exercise his rights on an individual basis. He may do so himself or through a collective organisation entitled to manage his rights;
- the transmission by satellite shall simulcast a terrestrial broadcast by the same broadcasting organisation.

3. The preceding paragraph shall not apply to cinematographic works, including works created by a process analogous to cinematography.

4. Where a State Party's legislation provides for the extension of a collective agreement in accordance with the provisions of paragraph 2, that State Party shall determine the broadcasting organisations entitled to avail themselves of such legislation.

Article 5 - Neighbouring rights

1. As far as transfrontier broadcasting by satellite is concerned, performers, producers of phonograms and broadcasting organisations from States Parties to this Convention shall be protected, as a minimum, in accordance with the provisions of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (1961).

2. However, for the purposes of the present Convention, the rights of performers regarding the fixation and the reproduction of their performance shall be exclusive rights to authorise or prohibit. The same applies to the rights of performers concerning the broadcasting and the communication to the public of their performance, except where the performance is itself already a broadcast performance or made from a fixation.

3. A State Party shall not avail itself of the faculty provided for under Article 19 of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (1961).

4. Without prejudice to the provisions of the preceding paragraph, a State Party may provide that the signing of a contract concluded between a performer and a film producer concerning the production of a film has the effect of authorising the acts mentioned in the preceding paragraph provided that such contract provides for an equitable remuneration which cannot be waived by the performer.

5. For the purposes of this Convention, when phonograms published for commercial purposes, or reproductions thereof, are used for transfrontier broadcasting by satellite, States Parties shall provide a right under their national legislation in order to ensure that a single equitable remuneration is paid by the broadcasting organisation concerned and that this remuneration is shared between the relevant performers and producers of such phonograms.

CHAPTER III: FIELD OF APPLICATION

Article 6 - Retransmission

The simultaneous, complete and unchanged retransmission by terrestrial means of broadcasts by satellite are not, as such, covered by this Convention.

CHAPTER IV: MULTILATERAL CONSULTATIONS

Article 7 - Multilateral consultations

1. The Parties shall, within two years from the entry into force of this Convention and every two years thereafter, and, in any event, whenever a Party so requests, hold multilateral consultations within the Council of Europe to examine the application of this Convention and the advisability of revising it or extending any of its provisions. These consultations shall take place at meetings convened by the Secretary General of the Council of Europe.
2. Each Party shall have the right to appoint a representative to participate in these consultations. Any State referred to in Article 10 of this Convention, which is not a party to the Convention, and the European Community, shall have the right to be represented by an observer in these consultations.
3. After each consultation, the Parties shall forward to the Committee of Ministers of the Council of Europe a report on the consultation and on the functioning of the Convention, including, if they consider it necessary, proposals for the amendment of the Convention.

CHAPTER V: AMENDMENTS

Article 8 - Amendments

1. Any proposal for the amendment of this Convention made in accordance with the provisions of Article 7, paragraph 3, of this Convention, shall be subject to the approval of the Committee of Ministers of the Council of Europe. After its approval, the text shall be forwarded to the Parties for acceptance.
2. Any amendment shall enter into force on the thirtieth day after all the Parties have informed the Secretary General of their acceptance thereof.

CHAPTER VI: OTHER INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Article 9 - Other international agreements or arrangements

1. In their mutual relations, Parties which are members of the European Community shall apply Community rules and shall not therefore apply the rules arising from this Convention, except in so far as there is no Community rule governing the particular subject concerned.

2. Parties reserve the right to enter into international agreements among themselves in so far as such agreements grant to authors, performers, producers of phonograms or broadcasting organisations at least as extensive protection of their rights as that granted by this Convention or contain other provisions supplementing this Convention or facilitating the application of its provisions. The provisions of existing agreements which satisfy these conditions shall remain applicable.

3. Parties which avail themselves of the faculty provided for in the preceding paragraph shall notify the Secretary General of the Council of Europe who shall transmit this notification to the other Parties to this Convention.

CHAPTER VII: FINAL CLAUSES

Article 10 - Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe and the other States party to the European Cultural Convention, and by the European Community, which may express their consent to be bound by:

- a. signature without reservation as to ratification, acceptance or approval;
or
- b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3. The Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which seven States, of which at least five member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of this article.

4. In order to avoid any delay in the implementation of this Convention, a State may, at the time of signature or at any later date prior to the entry into force of the Convention in respect of that State, declare that it shall apply the Convention provisionally.

5. In respect of any signatory State, or the European Community, which subsequently expresses its consent to be bound by it, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of signature or of the deposit of the instrument of ratification, acceptance or approval.

Article 11 - Accession by other States

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Contracting States, may invite any State which is not referred to in Article 10, paragraph 1, to accede to the Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 12 - Territorial application

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any State may, at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory mentioned in such declaration, be withdrawn by a notification addressed to the Secretary General. Such withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 13 - Transitional arrangements

A State shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify what rules shall apply to existing contracts. These rules should provide in particular that:

a. agreements concerning the exploitation of works and other protected subject matter which are in force on 1 January 1995 shall be subject to the provisions of Article 3 as from 1 January 2000, if they expire after that date;

b. where an international co-production agreement concluded before 1 January 1995 between a co-producer from a State Party and one or more co-producers from other States Parties or a third State expressly provides for a system of division of exploitation rights between the co-producers by geographical areas for all means of communication to the public, without distinguishing the arrangement applicable to communication to the public by satellite from the provisions applicable to the other means of communication, and where communication to the public by satellite of the co-production could prejudice the exclusivity, in particular the language exclusivity of one of the co-producers or his assignees in a given territory, the authorisation by one of the co-producers or his assignees for a communication to the public by satellite shall require the prior consent of the holder of that exclusivity, whether co-producer or assignee.

Article 14 - Reservations

No reservation may be made in respect of the provisions of this Convention.

Article 15 - Notification of legislation

A State, the legislation of which provides for the extension of collective agreements, as foreseen in Article 4 of this Convention, shall, at the time of signature, ratification, acceptance or approval in accordance with Article 10, paragraph 1, a, or b, notify to the Secretary General of the Council of Europe the text of the said legislation, together with a list of broadcasters entitled to avail themselves of such extended collective agreements. Thereafter, the State concerned shall notify the Secretary General of the Council of Europe of any subsequent modification of the said legislation and of the list of broadcasters entitled to avail themselves of it.

Article 16 - Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 17 - Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the other States Party to the European Cultural Convention, the European Community and any other State which has acceded or has been invited to accede to this Convention of:

- a. any signature in accordance with Article 10;
- b. the deposit of any instrument of ratification, acceptance, approval or accession in accordance with Articles 10 or 11;
- c. any date of entry into force of this Convention in accordance with Articles 10 or 11;
- d. any notification made in accordance with Articles 10, paragraph 4 and 15;
- e. any other act, declaration, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at, the, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the other States party to the European Cultural Convention, to the European Community and to any State invited to accede to this Convention.

* * *

APPENDIX 10
(item MM1)

**DECLARATION ON NEIGHBOURING RIGHTS
OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE**

The Committee of Ministers of the Council of Europe:

1. Recognising the need for a general improvement in the protection of neighbouring rights;
2. Has decided in the first instance to meet the most urgent need, namely to harmonise and improve the level of protection of neighbouring rights in the context of transfrontier broadcasting by satellite, by opening to signature the European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite;
3. Notes that the adoption of this Convention shall in no way affect the economic benefits and advantages accruing to holders of neighbouring rights by virtue of contractual arrangements;
4. Notes that a number of other important issues still need to be considered concerning the protection of neighbouring rights, inter alia, in the context of transfrontier broadcasting;
5. Considers that priority should now be given to the study of, inter alia, the following issues: the rights of performers, producers of phonograms and broadcasting organisations with regard to cable retransmission; the right of performers and producers of phonograms to authorise the reproduction of their performances and phonograms; the moral rights of performers and the duration of protection of right holders;
6. Emphasises in this context the need for fair and equitable economic and other conditions for the use of performances included in phonograms or audio-visual works;

7. Stresses the importance of examining these issues within the framework of the Council of Europe, while bearing in mind work being carried out within other international and European fora, and taking account of technological developments and their financial implications for performers, producers of phonograms and broadcasting organisations;

8. Invites the Steering Committee on the Mass Media to proceed with its examination of these issues and to consider the appropriateness of drafting legal instruments on the subject.

APPENDIX 11
(item ENV2a)

**MODEL INTER-STATE AGREEMENT
ON TRANSFRONTIER CO-OPERATION
IN MATTERS CONCERNING LIFELONG TRAINING, INFORMATION,
EMPLOYMENT AND WORKING CONDITIONS**

**submitted by the
Select committee of experts on transfrontier co-operation**

Introductory note: this agreement may be concluded either individually or in conjunction with one or more of the model inter-state agreements (texts 1.1 to 1.5 in the outline convention).

The governments of and, aware of the need to ensure that populations living in the areas lying on either side of frontiers enjoy equivalent conditions with regard to lifelong training, employment and work, as well as information, have agreed as follows:

Article 1

All nationals of a State which is party to this agreement who reside in the area defined as the "frontier area" have a right of access to the labour market of the other party or parties on an equal footing with nationals of the said party or parties.

The regional authorities or, subsidiarily, government authorities have defined the territory to be regarded as the "frontier area" as follows: (definition).

Article 2

Frontier workers shall enjoy the same conditions of employment and work as national workers of the employing state.

Article 3

Frontier workers shall enjoy the same occupational mobility - at least within the limits of the frontier area - as workers who are nationals of the employing state.

Depending on the competence of the authorities concerned, jobless workers shall qualify for all job creation schemes.

Article 4

All institutions providing general and occupational training and all agencies providing lifelong occupational training, retraining, resettlement, etc., should be accessible to frontier populations and workers under the same conditions as to national populations and workers.

Article 5

A system will be set up for the recognition of occupational qualifications and certificates issued by institutions within the frontier area, in order to guarantee equality of treatment for people living in the frontier area of one party who wish to work or undergo further training or study in the other party or one of the other parties.

In order to ensure equal conditions, steps should be taken to promote knowledge of the language and culture of the neighbouring border region.

Article 6

Each party shall acknowledge the capacity of the other party or parties to issue certificates and other documents whose legal validity it shall undertake to recognise.

Article 7

The competent administrative authorities of frontier regions shall enter into agreements to update the provisions of the present inter-state agreement.

Article 8

The parties undertake to promote and implement co-operation among public employment bodies in frontier regions in order to ensure or, where applicable, improve the exchange and joint management of information concerning the employment and working conditions of frontier workers.

They shall promote the establishment of joint information centres for frontier workers, enabling the latter to obtain detailed and accurate information on all questions concerning them.

APPENDIX 12
(item ENV2b)

**OPINION
OF THE SELECT COMMITTEE
OF EXPERTS ON TRANSFRONTIER CO-OPERATION
(LR-R-CT)**

**on Resolution 254 (1993) of the Standing Conference
of Local and Regional Authorities of Europe**

**on the impact on local and regional authorities
of the single market, the Maastricht Treaty and
the European economic area**

1. The Select Committee of Experts on Transfrontier Co-operation (LR-R-CT) has considered Resolution 254 (1993) of the Standing Conference of Local and Regional Authorities of Europe and the Committee of Ministers' request for an opinion on it.
2. In general and as regards its own field of responsibility, the committee agrees with the CLRAE about the need to strengthen transport and communications infrastructure and transfrontier co-operation. The CLRAE proposal that consideration be given to a five-year programme of assistance to and promotion of transfrontier co-operation in Central and Eastern Europe warrants serious examination: regional transfrontier awareness needs to be fostered in order to create if necessary the vital basis for closer integration of border regions, and consequently of European States, and encouraged as a *fundamental factor for maintaining peace in Europe*.
3. As regards more particularly paragraph 13, second sub-paragraph, of CLRAE Resolution 254, the committee believes that a handbook of transfrontier co-operation is an extremely important proposal which meets the expressed wishes and needs of the Central and Eastern European countries.

The committee has included the preparation of such a handbook in its 1994 programme of activities. At the present stage it is intended that the handbook provide an overview of transfrontier co-operation together with an inventory of what has been accomplished in that field so far and possibly with detailed references to the legal instruments available. The handbook will also be designed to assist the development of transfrontier co-operation in Central and Eastern Europe. It is hoped to complete it by the middle of next year.

4. As regards, lastly, the CLRAE's request for a collection of reports describing the current state of intergovernmental and non-governmental transfrontier co-operation, the Committee would point out that from time to time it publishes a list of agreements between national or local authorities in the field of transfrontier co-operation. The list, which is to be revised and extended shortly, should meet, at least partially, the CLRAE's request as regards the intergovernmental (i.e. public) transfrontier co-operation. However, the Committee is not in a position to produce a collection of reports on non-governmental transfrontier co-operation since such co-operation is outside its ambit.

APPENDIX 13
(item ADM1)

RESOLUTION (94) 4

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

(adopted by the Committee of Ministers on 17 February 1994
at the 508th 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, and to Resolution (81) 20 on the Council of Europe's Staff Regulations incorporating the regulations concerning salaries and allowances at Appendix IV to the said Statute;

Having regard to the 31st report of the Co-ordinating Committee on Remuneration and the recommendations contained therein, approved by the Committee of Ministers at the 508th meeting of the Deputies (17 February 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, with effect from 1 January 1994, by the tables applicable to Council of Europe Secretariat staff which are appended to the 31st report of the Co-ordinating Committee on Remuneration (CM(94)12, Addendum I), with the exception of the salary scales for B and C grade staff members for Belgium, France and Germany which are replaced by the salary scales set out in document CM(94)12, Addendum II.

APPENDIX 14
(item ADM1)

RESOLUTION (94) 5

ON THE REMUNERATION OF SPECIALLY APPOINTED OFFICIALS

(adopted by the Committee of Ministers on 17 February 1994
at the 508th 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 (93) 35;

Having regard to the decision reached at the 508th meeting of Ministers' Deputies (17 February 1994) approving the 31st report of the Co-ordinating Committee on Remuneration on the new salary scales for members of the permanent staff with effect from 1 January 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 (93) 35, shall be adjusted as follows with effect from 1 January 1994:

- Secretary General FRF 868,896
- Deputy Secretary General and Clerk
of the Assembly having the rank of
Deputy Secretary General FRF 822,348

COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

Committee of Ministers
Comité des Ministres

Strasbourg, 23 February 1994

RESTRICTED
CM/Del/Dec(94)508
A level

508th MEETING OF THE MINISTERS' DEPUTIES

(held in Strasbourg at A level on 14 February 1994)

508th
DECISIONS ADOPTED

**DRAFT DECLARATION OF THE COMMITTEE OF MINISTERS
ON BOSNIA-HERZEGOVINA**

Decision

The Deputies adopted the Declaration of the Committee of Ministers on Bosnia-Herzegovina as it appears in the Appendix to the present volume of Decisions.

APPENDIX

DECLARATION ON BOSNIA-HERZEGOVINA

(adopted by the Committee of Ministers on 14 February 1994,
at the 508th meeting of the Ministers' Deputies)

The Committee of Ministers,

1. Mindful of the danger to security in Europe from the continuing war in Bosnia-Herzegovina;
2. Alarmed by the human tragedy and the suffering of the civilian population caused by continuation of the war;
3. Emphasising that the use of heavy weapons increases the scale of the humanitarian catastrophe to which the civilian population is subjected, especially in Sarajevo;
4. Reiterates its condemnation of the violations of international law perpetrated in Bosnia-Herzegovina, in particular of human rights and of the most fundamental principles of humanitarian law;
5. Condemns changes of frontiers by force and ethnic cleansing;
6. Vigorously condemns the latest massacres committed against the civilian population of Sarajevo and demands the immediate cessation of the indiscriminate shelling of this city which has been declared a safe area by the United Nations Security Council;
7. Welcomes the decisions taken by the North Atlantic Council on 9 February 1994 with a view to raising the siege of Sarajevo and ensuring respect for the safe areas fixed;
8. Urges all parties to respect the truce agreement concluded on 10 February 1994 between the Bosnian Government's forces and Bosnian Serb forces;

9. Requests all parties involved in the conflict to allow unimpeded delivery of humanitarian aid;
10. Urges all parties to ensure that the efforts for peace lead as soon as possible to a negotiated settlement to the conflict in Bosnia-Herzegovina agreeable to all parties;
11. Stresses that the Council of Europe is ready to contribute to a future process of reconciliation, of restoration and reconstruction of democratic institutions and mechanisms and of the rule of law in the Republic of Bosnia-Herzegovina.

COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

Committee of Ministers
Comité des Ministres

Strasbourg, 18 March 1994

CONFIDENTIAL
CM/Del/Act(94)508

508th MEETING OF THE MINISTERS' DEPUTIES

(held in Strasbourg from 14 to 17 February 1994)

508th
RECORDS

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508th meeting (A level) - 14 February 1994

DRAFT DECLARATION OF THE COMMITTEE OF MINISTERS ON BOSNIA-HERZEGOVINA	21
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CM/Del/Act(94)508
Introduction

At the opening of the meeting at B level, the Chairman welcomed Mr Tõnu Miller, who had recently taken up his duties as Deputy Permanent Representative and ad interim Chargé d'Affaires of Estonia.

The Chairman wished Mr Miller a very pleasant stay in Strasbourg and hoped that he would find working on the Committee a fruitful experience.

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* *

At the opening of the meeting at A level, the Chairman notified the Committee that, at the request of the Hungarian delegation, the Bureau had agreed to the holding of an exhibition on the work of the Hungarian sculptor József VELEKEI in the Committee of Ministers' Ante-Room from 14 March to 8 April 1994.

He also informed the Committee that, at the request of the Luxembourg delegation, the Bureau had agreed to the holding of an exhibition of paintings and sculptures by the International Arts Consortium of Menton in the Committee of Ministers' Ante-Room from 2 to 6 May 1994.

As there were no objections, these proposals were accepted.

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CM/Del/Act(94)508
Item GEN2

GEN2

COMMUNICATION FROM THE SECRETARY GENERAL

Staff appointments

This item is subject of a confidential addendum.

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CM/Del/Act(94)508
Item GEN4

GEN4

PARLIAMENTARY ASSEMBLY
Follow up to the 1st Part of the 1994 Session
(Strasbourg, 24-28 January 1994)

i.

**Statement by the Clerk on the 1st Part of the
1994 Session and other Assembly activities**

The Representative of France made the following statement:

"Mr Chairman, the fact that I abstained during the vote that has just taken place in no way means that the French delegation wished to refrain from undermining an evident consensus. Indeed, we continue to have express reservations about the decision to hold a Joint Committee meeting in Warsaw in the afternoon of 17 May, for reasons of both form and substance.

1. As far as form is concerned, I note that on 16 February we found, at our seats in this room, a letter from the President of the Assembly informing us that he was suggesting to the Deputies that a Joint Committee meeting be held in Warsaw on 17 May. Without first consulting the delegations most closely concerned, you requested that Mr MARTINEZ be given an immediate reply.

During the debate which took place, at which I explained the attitude of my authorities, you refused to consider the compromise proposals of certain members of this Committee (Spain), which might have made it possible to reach a conclusion based on a consensus.

I note that in the case of other decisions which likewise have to be taken by mid-May, the Ministers' Deputies concluded this very morning that it would be better to defer them until their next session, in March. The same approach could have been taken with regard to the matter which concerns us, since we had agreed that a Joint Committee meeting would in any case be held in Strasbourg in mid-April. So we had plenty of time to decide, in March, whether the April meeting should or should not be followed up by another meeting, possibly in Warsaw, where we could spend a nice spring afternoon.

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Item GEN4.i

- 6 -

2. As for the substance of the matter, my country has noticed that the committees of the Council of Europe Parliamentary Assembly, especially the Standing Committee, pushed by some uncontrollable centrifugal force, have an unfortunate tendency to meet anywhere but in Strasbourg, be it Geneva, Paris, Brussels, Warsaw or elsewhere. We regret this trend, but it is up to the parliamentarians to decide such matters. It was not the French Government that suggested that Strasbourg be chosen for the Council of Europe headquarters, but Lord BEVIN, in 1949 if I remember rightly. The French Government is sorry that its efforts to invest in Strasbourg and the efforts of the local authorities which receive us here have not been more amply rewarded. In any event, it cannot encourage the unfortunate trend observed at parliamentary level by agreeing to the Ministers' Deputies' meeting outside the Council of Europe headquarters.

We can only regret that the arguments put forward in support of the plan to hold a Joint Committee meeting in Warsaw were based merely on a tradition twenty years old or on a determination to publicise the Council of Europe. We gathered that the Vienna Summit, held at France's instigation, was designed to call into question such traditions, which are those of an organisation of another age, and gave the Council of Europe all the publicity it well deserved as a result of its modernisation.

My authorities also regret that the Ministers' Deputies did not see fit to make the wise choice implicit in the proposal of the President of the Assembly, who suggested that a Joint Committee meeting could usefully be held in Strasbourg in mid-April of this year, which would make it pointless to convene another one a month later in another city.

Moreover, it is astonishing, in view of the difficulties encountered during these debates, that neither the host country nor the President of the Assembly should have approached Paris, as both know that they would have received an attentive and sympathetic hearing there."

The Chairman made the following statement:

The Records of this meeting will fully reflect your statement. Nevertheless, I wish to make some comments which, I hope, will also be reflected in the Records. I cannot accept your assertions concerning the Chair, because they are simply not consistent with reality. First, it was the Committee as such which decided that it wanted to arrive at a final conclusion during this meeting. In this context, I must say that the belated letter of the President of the Parliamentary Assembly does nothing to change the fact that this is something that has been known about for a long time. Moreover the President, who has not spared any effort, has held several behind-the-scenes talks on this subject with the French Ambassador.

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CM/Del/Act(94)508
Item POL3

POL3

SITUATION IN CYPRUS
(CM/Del/Dec/Act(94)506/POL6)

The Representative of Cyprus made the following statement:

"Mr. Chairman,

Since our last meeting there are developments in the Cyprus scene, which I wish to bring to your attention. The latest development concerns the acceptance in principle by the Turkish Cypriot side on 28 January 1994, of the Varosha/Nicosia International Airport CBMs package. As you are aware our side has already accepted these measures in May 1993 and confirmed their acceptance recently. They are set out in paragraphs 37, 38, 42 and 43 of the Report of the U.N. Secretary General, dated 1 July 1993, and in a nutshell provide for the following:

The proposal concerning Varosha is that the fenced area of the city would be placed under the United Nations administration. It would be a special area for bicommunal contact and commerce and a kind of a free-trade zone. The owners of property in that area could reclaim possession of their property, two months after its placing under U.N. Administration.

The proposal concerning Nicosia International Airport provides for the opening of the airport under the Administration of the United Nations in co-operation with the International Civil Aviation Organisation (ICAO). Traffic rights at the airport would be limited to foreign airlines that have traffic rights in Cyprus. There would be free access to and from the airport for both sides which will benefit equally from the opening of the airport.

In order to work out the modalities for the implementation of the CBMs proximity talks between the two sides started today in Nicosia. The intensive discussions in Nicosia aim at working out agreement on a limited number of key issues relating to the modalities for implementing the Varosha/Nicosia International Airport package.

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We are going to these talks with an open and positive mind. We are entering the dialogue about the implementation of the CBMs with one cardinal point in mind, that we cannot accept any arrangement which will result in a direct or indirect political recognition. The philosophy of the CBMs is to create mobility and momentum and, as the U.N. Secretary General has declared, their purpose "is to facilitate speedy progress on an overall settlement of the Cyprus problem and the package is not a substitute for that objective".

The CBMs are a procedure and they do not constitute an end by themselves. As my Minister put it recently "the measures are neither a part nor the whole of the solution of the Cyprus problem. They will offer opportunities of massive contact and communication between Greek-Cypriots and Turkish-Cypriots, proving that the argument of lack of confidence of Mr. Denktash is irrelevant".

We are entering into this dialogue having in mind that the procedure should not be long. The United Nations believe that the modalities for the implementation of the CBMs should be worked out within two months at the most, so that the confidence building effects of this effort can be achieved. We believe that this procedure should be concluded the soonest possible. The Turkish Cypriot side should show in practice whether it accepts or not the measures.

It is high time that the substance of the Cyprus problem be discussed. Despite the agreement to discuss at the proximity talks the modalities for the implementation of the CBMs the situation in Cyprus has not changed at all. The efforts to change the demographic character of the island have intensified with the implantation of more settlers from mainland Turkey, many Turkish-Cypriots have emigrated as a result, and the Turkish troops are still on the island in contravention of numerous U.N. resolutions demanding their withdrawal.

We trust that the proximity talks will yield positive results and that at our next meeting I will be in a position to report progress.

"The Representative of the United Kingdom made the following statement:

"Although we have this item on our agenda regularly, it is rare that there is a reason to discuss it with any sense of optimism, and that is sad; but I think that today there is a reason to show a little bit of limited optimism because the confidence-building measures which our Cyprus colleague has just described do give some immediate if limited hope. My Government, as I think everyone knows, has always given its full support to all efforts, particularly those of the United Nations Secretary General, to

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Item POL 3

move the situation in Cyprus along, and I hope that the talks which started today will go in that direction. We know that President Clerides is committed to this process and I hope that both those on the Greek Cypriot side who have some doubts about this process and those on the Turkish side will respond to this initiative. As some of you know, Lord Finsberg has recently been in Cyprus as Rapporteur of the Political Committee and I hope that through this visit, which the reports I have suggest was very useful, he was able to reinforce the sort of message that my Government has been giving on the official level. I hope that from a more independent standpoint, he was able to urge both sides to take this confidence-building process seriously. Thank you."

The Chairman noted that, at the request of the Representatives of Cyprus and the United Kingdom, the above statements would be reflected in the Records of the present meeting.

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CM/Del/Act(94)508
Item HR3

HR3

**COMMITTEE FOR THE EUROPEAN SOCIAL CHARTER
(CHARTÉ-REL)
Interim Activity Report
(CM(94)1)**

The Representative of Sweden made the following statement:

"Over three years have passed since the celebration of the Human Rights' Convention's 40th anniversary, at which the Committee of Ministers decided to give "a new impetus" to the Social Charter.

The CHARTE-REL was created shortly thereafter, in December 1990, to make proposals for the enhancement of the Charter and its supervisory procedures.

In less than one year, and in time for the Turin meeting (October 1991) the Committee of Ministers adopted an amending protocol regarding supervisory procedures. This protocol, however, needs to be ratified by all parties to the Social Charter to enter into effect. Judging by the "tour de table" at our meeting in May 1993, the future of the protocol still looks rather dim. This is all the more regrettable since the amending protocol provides, inter alia, for an increase in the number of independent experts which has been deemed essential for the proper functioning of the Charter.

In order not to lose momentum, the CHARTE-REL decided to propose certain changes in the supervisory procedures which - in the opinion of most experts involved - did not require formal changes in the Charter itself. In September 1992 the Committee of Ministers did approve - on a four year experimental basis - a new reporting system. As we know, not all parties to the Social Charter could accept that decision.

An additional protocol for collective complaints was also discussed before the Turin meeting in October 1991, but the text was not ready for adoption at that time. The CHARTE-REL reviewed the text and a new draft was presented last autumn, a text which was then submitted to a number of bodies for comments.

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Item HR3

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When the matter came back to the Committee of Ministers in September 1993 the Swedish Delegation stated that it was in favour of the draft protocol as presented by the CHARTE-REL. We underlined the compromise character of the text and pointed to the risks of re-opening, at Deputies level, the discussion of the draft text. It had been supported by the Parliamentary Assembly (Opinion 167, paragraph 8); the ILO (which in turn refers to the resolution adopted by the Ministerial Conference in Turin) as well as by the European Trade Union Confederation.

However, the Committee of Ministers was not able to adopt the draft text and tried instead to advance by creating an ad hoc group to finalise the work on the additional protocol.

Again when we came to discuss the mandate of this ad hoc group some countries expressed doubts and presented alternative mandates for the ad hoc group's work which would - in essence - re-open the debate of the draft protocol again.

On 29 October 1993 the Committee of Ministers (Deputies) did adopt a revised mandate for the ad hoc group. This mandate included - at the specific demand of some member countries - a highly controversial element which had been discussed at length within the CHARTE-REL and which had been omitted in the compromise draft protocol that CHARTE-REL presented in 1993, i.e. a special role for the Governmental Committee under the Social Charter.

At the outset, the CHARTE-REL held a high speed, inspired by the Committee of Ministers' statements about giving a "new impetus" to the Social Charter. Now, the momentum has almost been lost, due to the political difficulties in carrying out the original intentions.

We regret this situation very much."

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CM/Del/Act(94)508
Item SOC5

SOC5

FIFTH CONFERENCE OF EUROPEAN MINISTERS OF LABOUR
(Valletta, 28-29 October 1993)
Report of the Secretary General
(CM(94)10)

The Representative of Germany made the following statement:

"The themes which were put forward by one delegation had been discussed previously in the CDEM. A considerable number of delegations had shown hesitation against these themes, because especially the role of the State in solving the actual problems of employment is stressed too much. During the discussions in the CDEM another delegation mentioned other themes which should be taken into consideration when future activities will be examined. These proposals include macroeconomic and microeconomic approaches, according to which competitiveness should be improved primarily by improving the framework conditions. The improvement of the framework conditions should also facilitate the creation of new jobs."

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CM/Del/Act(94)508
Item ADM1

ADM1

STAFF SALARIES
Co-ordinating Committee on Remuneration (CCR)
Adjustment of remuneration of the staff of
the Co-ordinated Organisations - 31st Report
(CM(94)12, Obs. 94/27 of 28 January 1994)

The Representative of Italy made the following statement:

"The Italian delegation would like to stress the fact that the present staff remuneration adjustment measures, as set out in the Notes on the Agenda, are partial with respect to the complete application of the system and are also provisional, awaiting the conclusions of an ad hoc Group of Experts. This Group is to give its opinion on the validity of the methodology used and the results obtained by 30 April 1994.

I should also like to remind you that within the CCR the Italian delegation requested the setting up of a second Group of Experts whose terms of reference would be to compare the criteria for the use of the pay data of the ministerial staff of the seven reference countries, with a view to establishing a specific indicator evaluating changes in the real purchasing power of national remunerations.

On this occasion, the Italian delegation would like to reiterate the need to adopt more stringent budgetary measures, in conformity with the principles of "budgetary compatibility" of each co-ordinated organisation."

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CM/Del/Act(94)508
Item ADM2

ADM2

**EXCEPTIONAL REVIEW AT 1 JANUARY 1994 OF THE DAILY
RATES OF SUBSISTENCE ALLOWANCE OF STAFF OF THE
CO-ORDINATED ORGANISATIONS**

**30th Report of the
Co-ordinating Committee on Remuneration (CCR)
(CM(94)13)**

The Representative of France made the following statement:

"This revision of the daily rates of mission allowances leads us to make two remarks. The first is that the per diem for Strasbourg will thus amount to 970 francs, i.e. an increase of over 8% is proposed for the staff of the co-ordinated organisations. By contrast, the daily rates for government experts remains at the same level as in 1993, i.e. 700 francs. We find on the one hand that this increase of over 8% seems somewhat abnormal in view of the budgetary constraints, and on the other hand that it is something of an injustice, because the government experts, for their part, see no increase in their allowances. In fact, our feeling is that no increase at all was necessary."

The Representative of Norway made the following statement:

"I would like to make a statement for the record concerning item ADM2 - the daily rate of subsistence allowance for staff of the co-ordinated organisations.

The purpose of this allowance is to enable staff to pay for food and hotel rooms when they are on mission. In the view of the Norwegian government the present system should be revised and the three categories of allowances based on the staff member's grade should be replaced by a single rate for everybody. We see no reason why those who have the highest remuneration in their posts also should receive a higher daily allowance when travelling.

In the context of the meetings of the Co-ordinating Committee we shall make proposals to this effect. We see this as a necessary democratic reform of the present system and hope that our proposal will be supported by the member States and the Secretariat when the time comes."

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CM/Del/Act(94)508
Item ADM4

ADM4

**ADJUSTMENT OF REMUNERATION
OF STAFF OF THE CO-ORDINATED ORGANISATIONS
AT 1 JULY 1993
29th Report of the Co-ordinating Committee
on Remuneration (CCR)
(CM(94)15)**

The Representative of Italy made the following statement:

"As for the taking into account of the Italian productivity bonuses in the specific index, the reason for which it was decided to ask the question to the CCR was the desire to adjust in uniform fashion, among the reference countries, the effects which changes in certain elements of national remuneration could produce, through the application of a specific index, on the remuneration of the staff of the co-ordinated organisations. Among these elements are the Italian productivity bonuses which exhibit particular characteristics.

The first remark, of a methodological nature, concerns whether, in order to respect the principle of real parallelism, an element of national remuneration should have the same legal nature as that adopted in the remuneration of staff of the co-ordinated organisations. From this standpoint, productivity bonuses do not constitute a basis for social contributions. On the other hand, their being taken into account in this index has effects on the pensions of staff with international status, increasing the divergence between the two types of pay.

The second remark concerns whether elements of national remuneration may have effects on international remuneration, even if they do not have a character of generality and reality from the standpoint of their integral payment. In this respect it should be pointed out that the Italian productivity bonuses do not have a character of generality with respect to the staff of the national central administrations, since they are paid to the staff of certain administrations only and are not paid if these staff members are on normal leave or sick leave.

The third remark concerns the fact that legislative decree 29/93 expressly provides for the elimination of these bonuses and that a new system is to be introduced on conclusion of the procedure for drawing up the triennial contracts now being examined by the unions and the government."

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CM/Del/Act(94)508

**DRAFT DECLARATION OF THE COMMITTEE OF MINISTERS
ON BOSNIA-HERZEGOVINA**

The Representative of Bulgaria made the following statement:

"On behalf of the Bulgarian delegation, I should like to express support for the draft Declaration on Bosnia-Herzegovina. The text prepared by the drafting group is acceptable to our country provided the Bulgarian position as regards air strikes (paragraph 8) is explained.

The Republic of Bulgaria is entirely in favour of a peaceful settlement of the conflict in Bosnia-Herzegovina. It has, on several occasions, called on all those involved in the conflict to show common sense, restraint and a sense of responsibility so that the scope of the conflict can be limited and a settlement reached.

The siege of Sarajevo must be lifted. If air strikes are needed to achieve this, they must be confined to military targets. Moreover, the decision to launch air strikes must be based on a United Nations consensus, with guarantees that the civilian population will not be hit.

Our country's view is that the escalation of armed conflict may have adverse effects, not least on neighbouring countries."

The Representative of San Marino made the following statement:

"In the light of the deterioration in the tragic situation in Bosnia-Herzegovina, especially in the city of Sarajevo, my authorities firmly condemn the repeated large-scale human rights violations perpetrated against the innocent and defenceless civilian population and therefore approve the draft declaration under consideration today.

My Government fully endorses the document approved on 9 February 1994 by NATO with a view to the immediate lifting of the siege of Sarajevo and the city's being placed under United Nations administration - an objective which we consider desirable.

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Furthermore, my authorities, being concerned about the persistent atrocities, the inhuman practice of ethnic cleansing and the possibility that the conflict will spread and become even more serious, reaffirm with the utmost conviction their full political and moral support for the international initiatives designed to persuade the warring parties to accept a negotiated peace, which is the only alternative to armed conflict.

Our Organisation can, in this connection, play a very important role in helping to find the best possible solution to the crisis at one of the blackest moments in European history."

