

CONCLUSIONS OF THE HUNDRED-AND-FIRST MEETING OF THE MINISTERS' DEPUTIES

held at Strasbourg, from 11th to 19th September 1961

Present :

AUSTRIA	Mr. H. REICHMANN Mr. J. PASCH
BELGIUM	Mr. R. COENE
CYPRUS	
DENMARK	Mr. T. KAPPEL
FRANCE	Mr. J. LECOMPTE BOI- NET Mr. C.H. BONFILS Mr. C. SOUBESTE
FEDERAL REPUBLIC OF GERMANY	Mr. F. PRILL, <i>Chairman</i> Mr. H.G. STEINMANN
GREECE	Mr. N. CAMBALOURIS
ICELAND	Mr. P. EGGERZ
IRELAND	Miss M.C. MACENTEE
ITALY	Mr. G. BOMBASSEI FRAS- CANI DE VETTOR Mr. L. LAURIOLA
LUXEMBOURG	Mr. P. WURTH
NETHERLANDS	Miss M.Z.N. WITTEVEEN
NORWAY	Mr. M.C. HOFGAARD
SWEDEN	Mr. K. SUNDBERG
TURKEY	Mr. M. AKBIL M. O. LÜTEM
UNITED KINGDOM	Mr. J.H. PECK Mr. J. HONEYFORD

The 101st meeting of the Ministers' Deputies opened at 3 p.m. on Monday, 11th September 1961, under the Chairmanship of Mr. F. Prill, Deputy of the Minister for Foreign Affairs of the Federal Republic of Germany and Permanent Representative to the Council of Europe.

The Chairman welcomed on behalf of his colleagues Mr. C. H. Bonfils, who was attending for the first time a meeting of the Deputies as Permanent Representative of France.

The Chairman paid a tribute to the memory of Mr. Dag Hammarskjöld, Secretary-General of the United Nations, accidentally killed on 18th September, while on duty. The Deputies associated themselves with this tribute and observed one minute's silence.

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The Deputies noted that :

- (i) The Danish and Norwegian Governments had informed the Secretary-General, by letters dated 21st and 25th July respectively, that they confirmed the *ad referendum* votes of their representatives at the 100th meeting on the United Kingdom Government proposals for an annual colloquy between the Consultative Assembly and the Committee of Ministers;
- (ii) The French Government had intimated by letter of 18th August that it supported those proposals.

I. Agenda

The Agenda was adopted (Appendix 6) ¹.

II. Role of the Council of Europe

(a) Procedure for consultation between member countries

(Docs. CM (61) 41 and 109)

The Deputies continued their discussion of the Secretary-General's suggestions for giving effect to Resolution (54) 16 of the Committee of Ministers, under reference, in the cultural, social and possibly economic fields (Docs. CM (61) 41 and 109).

Apart from the objections previously raised, some Representatives also felt that, having regard to developments in the situation of certain Governments in relation to the European Economic Community, no further consideration should be given to the proposals put forward for seeking the Consultative Assembly's opi-

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1. See page 261.

nion on subjects on the agenda of the United Nations General Assembly.

It was agreed that the Deputies would therefore not propose this item for the agenda of the next meeting of the Joint Committee and that the Assembly would be informed in the Annual Report of this opinion of the Committee of Ministers.

(b) Information problems
(Docs. CM (61) 40 and 110)

The Deputies heard comments by the Director of Information on the proposals for arranging in the near future an *ad hoc* meeting of governmental experts on information (Doc. CM (61) 110).

Some delegations, though not averse to making a study of information problems, expressed doubt as to the procedure suggested by the Secretary-General.

The Deputies decided to begin consideration of information problems in substance at their 103rd meeting in the light of a memorandum by the Secretariat.

It was recalled that, in accordance with the Rules of Procedure for meetings of the Deputies, each Deputy could be accompanied by an expert adviser.

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The Head of the Political Directorate recalled that the Political Studies Division had recently presented to the Deputies a study on which it invited their comments and suggestions for guidance of the work of that Division in regard to public opinion.

The Deputies decided to resume consideration of this question at their 103rd meeting.

(c) Unification and harmonisation of legislation
(Doc. CM (61) 107)

At the request of the Belgian Representative the Deputies agreed to resume consideration of this question at their 103rd meeting.

III. Cultural and scientific co-operation in Europe

(a) Report of the ad hoc Committee
(Docs. CM (61) 93 and corrig. and 144)

The Deputies continued their examination of the *ad hoc* Committee's Report (Doc. CM (61) 93 and corrig.) in the light of a memorandum from the Secretariat setting out the proposals made in that Report in the form of resolutions of the Committee of Ministers (Doc. CM (61) 144).

The Deputies were broadly in favour of the *ad hoc* Committee's proposals.

After several representatives had submitted oral amendments to the draft Resolutions drawn up by the Secretariat, it was agreed that Governments which had any other comments or amendments to suggest thereon would let the Secretary-General have them in writing as soon as possible, with a view to their being circulated to all the Governments in good time for the Deputies to finalise them at their 102nd meeting.

It was also understood that these Resolutions would be formally adopted at the next meeting of the Committee of Ministers in December, but that the Secretary-General would be authorised, not later than the end of the 102nd meeting, to take steps to give effect to these Resolutions as from 1st January 1962.

For this purpose, and so that the Deputies might be in a position to express their views on the administrative consequences of the *ad hoc* Committee's proposal, the Secretary-General would consult the Budget Committee on the expenditure involved in increasing the staff of the Cultural Directorate.

The Secretary-General stated that, in addition to the increase of staff in the Directorate approved at the 100th meeting of the Deputies, the appointment of about twelve new staff members—in particular, specialists in the various educational subjects—would be necessary to enable that Directorate to carry out the work assigned to it.

The Deputies agreed to resume consideration of this question during their 102nd meet-

ing. Some delegations felt that it would be advisable for them to be assisted by an expert adviser on cultural matters.

**(b) Conference of Ministers of Education —
Institutionalisation
(Doc. ESC (61) 29)**

The Deputies were informed by the Secretary-General that the Chairman of the Conference of Ministers of Education had no objection to the competent bodies of the Council of Europe examining the Recommendations made by the Conference at Hamburg on 12th to 14th April.

The Secretary-General went on to say that in the course of his remarks Mr. Hessel, Rapporteur of the *ad hoc* Committee, had said that the question of making this Conference a regular institution did not arise. The Secretary-General confirmed that that had also been the view of several of the Deputies.

The Deputies agreed to transmit the Conference documents for information either to the Committee of Cultural Experts or to the Council for Cultural Co-operation if this body were set up before the next meeting of the said Committee.

**(c) Conference on "Europe and the World"
(Docs. CM (61) 118 and 136)**

The Secretary-General gave an account of his approach to the Swiss authorities concerning the Conference on "Europe and the World".

In a telephone conversation with the Director of Information, the Swiss authorities had stated their position as follows:

1. The financial participation of the Federal Council would depend upon that of the European organisations, in particular the Council of Europe.

2. With regard to the programme of the Conference, the Federal Council had no intention of influencing any decisions to be taken by the Council of Europe and other European organisations.

The Deputies instructed the Secretary-General to obtain fuller information regarding the proposed Conference.

They agreed to reconsider this question at their 102nd meeting in the light of information gathered by the Secretary-General.

**(d) Culture Experts — Report of the 17th Session
(Doc. CM (61) 98 and corrigendum)**

After hearing comments by the Head of the Cultural Division, the Deputies took note of the Report on the 17th Session of the Committee of Cultural Experts held in Strasbourg, from 31st May to 6th June 1961 (Doc. CM (61) 98).

**(e) Cultural Fund — Report of Administrative Board
(Doc. FC/Adm. (61) 18)**

The Deputies took note of the Report on the 6th Session of the Administrative Board of the Cultural Fund (Doc. FC/Adm. (61) 18).

They authorised a meeting of the Administrative Board, as it had requested, early in 1962.

**(f) Cultural Centre at Delphi
(Docs. CM (61) 116 and 150)**

The Deputies confirmed their approval, in principle, subject to the problems of finance being resolved, of the Greek Government's offer, made in 1958, of a site at Delphi for the erection of a Council of Europe Cultural Centre.

They resumed discussion of it in the light of a Secretariat memorandum setting out various alternatives and suggesting a means whereby the Greek offer could be accepted (Doc. CM (61) 116).

It was agreed to appoint a working party open to all the Deputies to draw up plans for the Centre in conjunction with the Secretary-General and the Chairman of the Administrative Board of the Cultural Fund. The plans would include a suggested programme for the activities of the Centre. It was asked that the working party be convened by the Secretary-General in time for the Deputies to pursue their discussion of the matter at their 103rd meeting.

Stress was laid on the importance of participation in the working party of members of the Committee of Cultural Experts or of senior officials from the cultural departments of member Governments.

**(g) Cultural Convention — Invitation to Switzerland
to accede**

Being informed that the Swiss authorities had recently announced unofficially that the

Federal Council would be prepared to give an affirmative response to an invitation from the Committee of Ministers to accede to the European Cultural Convention, the Deputies unanimously declared themselves in favour of Swiss accession to the said Convention.

They approved the terms of a letter from the Secretary-General extending to Switzerland this invitation (Appendix 7)¹.

IV. Consultative Assembly

(a) Strengthening of powers in budgetary matters Recommendation 261

The Deputies resumed, from the procedural aspect, their consideration of Recommendation 261 on strengthening the Assembly's powers in budgetary matters, which is on the Agenda for the meeting of the Joint Committee in September.

The representatives of Austria and the Federal Republic of Germany recalled that their Governments had already expressed themselves in favour of the proposals put forward by the Secretariat (Doc. CM (61) 44).

The Netherlands Representative recalled that this matter had been fruitlessly examined by the Deputies on several occasions, and said that would be advisable to adopt a concerted approach to it before the meeting of the Joint Committee.

Recalling their previous discussions, in which numerous delegations had expressed themselves in favour of maintaining the *status quo*, the Deputies considered that it was difficult at the moment to arrive at a common position and decided to resume consideration of Recommendation 261 at a later meeting in the light of the discussion at the meeting of the Joint Committee.

(b) Organisation of Conferences — Orders Nos. 179 and 182 (Doc. CM (61) 108)

The Secretary-General commented on the Memorandum of the Directorate of Legal Affairs which, after analysing the powers of the Assembly, enumerates the conditions under which the Assembly may organise meetings, symposia or conferences without exceeding its competence (Doc. CM (61) 108).

The Deputies agreed with the conclusions embodied in the above-mentioned Memorandum which are reproduced below :

1. The Assembly may, subject to what is stated in the following paragraph, require detailed information to enable it to form an opinion on items on its agenda. It may therefore take steps to acquire this information, *e.g.* by organising meetings, symposia or conferences between Representatives to the Assembly and experts or independent authorities.

2. The Assembly has not, however, unlimited power to act according to its needs, for it must remain within the sphere of its consultative competence.

Consequently:

(a) meetings, symposia or conferences may be organised by the Assembly (or its Committees) only for the purpose of acquiring information for its own use and to enable it to gain a clearer understanding of the problems on its agenda;

(b) the conclusions of these meetings must be primarily intended for the Assembly itself;

(c) such meetings must be *ad hoc* and not become institutional in character, for within the Council of Europe only the Committee of Ministers is empowered to set up committees or commissions (Article 17 of the Statute);

(d) the Assembly must remain within the framework and limits of the appropriations granted to it by the Committee of Ministers;

(e) any proposal for action adopted at these meetings must be presented in the form of a recommendation from the Assembly to the Committee of Ministers, which alone is competent to decide what measures shall be taken.

Meetings or symposia organised by the Assembly within the above context are consequently not outside the sphere of the consultative competence of the Assembly. Any proposed action of the Assembly which goes beyond that, however, should first of all be submitted to the Committee of Ministers for approval or have been decided upon by that Committee.

1. See page 263.

Two of the Deputies nevertheless raised some minor objections to certain aspects of the analysis of the powers of the Assembly embodied in the first part of the Memorandum of the Legal Directorate.

The Secretary-General was instructed to remind the Assembly of the foregoing provisions, if necessary.

The Deputies took note of Orders Nos. 179 and 182 relating, respectively, to road safety and vine products and spirits.

V. Conference of Local Authorities — Charter

Recommendation 262 (Doc. CM (61) 94)

The Deputies resumed their discussion of the whole question of the Charter of the European Conference of Local Authorities.

It was thought that the draft Charter as it appears in Recommendation 262 of the Assembly should be revised in the light of the requirements of the Council of Europe Statute, Article 17 of which, it was noted, if applied, enabled the Conference to be incorporated in the Council of Europe as an advisory and technical body.

The text of the Charter was accordingly amended, and *Resolution (61) 20 was adopted, the text of which is contained in Appendix I, page 225.*

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The Swedish Representative abstained on Article 2 (b) of the Charter, the text of which is contained in the Appendix to Resolution (61) 20.

The Italian Representative abstained on the Resolution as a whole, stating that, in his Government's view, the Charter should have been approved as it appeared in Recommendation 262, or at least without any important change, and that his Government would have been prepared to agree, if need be, to an amendment of the Statute.

VI. Human Rights

(a) Privileges and immunities of the Judges of the Court

(Doc. CM (61) 148)

The Deputies adopted the finalised text of the Protocol to the General Agreement text on Privileges and Immunities of the Council of Europe (provisions relating to the European Court of Human Rights).

The Danish and Swedish Representatives approved the text *ad referendum*.

The Irish Representative abstained on the text as a whole and on Articles 3 and 7 in particular.

The representatives of Turkey and of the Federal Republic abstained on Article 3 (b).

It was decided to open this Fourth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe to signature by member Governments at the 29th Session of the Committee of Ministers in December 1961.

It was agreed that the allowances paid to members of the Court by the Council of Europe were to be regarded as subsistence allowances.

(b) Accommodation for the Court (Docs. CM (61) 111 and 146)

The Deputies resumed consideration of the question of accommodation for the Court, the Commission and the Human Rights staff in the light of a Secretariat memorandum based on the assumption of a new building being erected (Doc. CM (61) 146).

Following certain remarks by the United Kingdom Representative, it was agreed to abandon for the present the idea of erecting a new building, in view of the changed position of certain Governments in regard to the European Economic Community. This new development could not fail to affect the future of the Council of Europe in a manner which it was not yet possible to foresee.

The Secretariat was instructed to seek a transitional solution which would provide accommodation for the Court and meet the needs of the Commission either in the present

Assembly Hall or by using certain rooms in Block C.

This item will be placed on the Agenda of the 102nd meeting.

(c) *Partial re-election of judges and election of a member for Cyprus*
(Doc. CM (61) 119 and Appendix)

The Deputies drew up a list of candidates for the first partial re-election of judges of the Court and for the election to the seat created by the accession of the Republic of Cyprus to the Council of Europe (Appendix 8)¹.

The candidates whose names and nationality are given in the list, were nominated solely by the Governments of Denmark, France, Ireland and Iceland—to represent which the retiring judges had been elected—and by the Republic of Cyprus—to represent which the new seat is to be filled.

It was agreed that the list as drawn up should not prejudice any subsequent decision regarding Recommendation 235 of the Consultative Assembly on "procedure for the appointment of additional members to the European Court of Human Rights".

The Secretary-General was directed to communicate the list to the Consultative Assembly.

The Netherlands Representative gave the views of her Government on the principles which should govern the partial re-election of the Court and the election of a judge to a seat created by the accession of a new member State to the Council.

VII. *Conference of Ministers of Justice — Report*

(Doc. CM (61) 132)

The Deputies took note of the Report drawn up by the Secretariat on the Conference of European Ministers of Justice held in Paris from 5th to 7th June 1961 (Doc. CM (61) 132).

1. See page 264.

VIII. *Crime problems*

(a) *Convention on the punishment of road traffic offences*

(Doc. CM (61) 134)

The Deputies examined the draft European Convention on the punishment of road traffic offences prepared by the European Committee on Crime Problems (ECCP) and approved by the Conference of European Ministers of Justice.

The representatives of Austria, Belgium, France and the Federal Republic of Germany stated that their Governments were prepared to sign the Convention with reservations which would be communicated to the Secretariat.

The Netherlands Representative said that the draft Convention was, in the main, acceptable to her Government which was, however, continuing its study of points arising in connection with enforcement in the State of residence of a judgment pronounced in the State of the offence; there was a possibility that the Netherlands would submit reservations as provided for in Article 27.

The Norwegian Representative stated that his Government accepted the provisions of Chapter II of the draft Convention (prosecution in the State of residence) but had reservations as to Chapter III (enforcement in the State of residence). He added that the whole draft was at a later stage likely to be studied by the Governments of Denmark, Norway and Sweden.

The United Kingdom Representative recalled that, at the Conference of European Ministers of Justice, the British representative had stated that his Government could not become a party to this Convention, the mechanism of which did not appear compatible with certain features of Anglo-Saxon law.

The Irish Representative said that her Government, while appreciating the value of the Convention, could not become a party to it for reasons similar to those given by the United Kingdom.

The Deputies decided to resume consideration of this question at their meeting in January, when they would come to a decision as to the signature of the Convention.

The Deputies further agreed to send to the Secretariat as soon as possible their comments

on or proposed amendments to the draft Convention, for circulation to Governments.

**(b) Extension of the activities of the ECCP
(Doc. CM (61) 143)**

The Secretary-General commented on the memorandum under reference, on the extension of the activities of the ECCP taking account of the Committee's proposals as approved by the Conference of European Ministers of Justice (Doc. CM (61) 143).

It was agreed to resume consideration of this matter at the 102nd meeting when discussing Secretariat organisation.

**(c) Electoral, civil and social rights of prisoners
(Doc. CM (61) 133)**

The Deputies examined the Recommendation of the European Committee on Crime Problems concerning the electoral, civil and social rights of prisoners.

The majority were in favour of the Resolution adopted on 6th June 1961 by the Conference of European Ministers of Justice (Appendix III to Doc. CM (61) 133) in which the Conference considered it desirable to apply the rules contained in the Recommendation of the ECCP concerning the electoral, civil and social rights of prisoners (Appendix I to the same document) so far as this was consistent with the constitutional principles and international agreements of each country.

The French Representative said that he was prepared to support the proposals of the ECCP so far as the social rights of prisoners were concerned, but could not accept Chapter II on electoral rights, as under French legislation the voting rights of prisoners were suspended even if the persons concerned were still on the electoral roll.

The representatives of Ireland, Italy and the Netherlands were in favour of communicating the ECCP Recommendation to the member Governments (Appendix I to Doc. CM (61) 133).

The Deputies instructed the Secretariat to prepare a draft Resolution of the Committee of Ministers reproducing the two texts in question, on which they would take a decision at their 103rd meeting. It was agreed that the Resolution embodying the declaration on the electoral, civil and social rights of prisoners

would be placed on the agenda, for formal adoption, at the 29th Session of the Committee of Ministers.

**IX. Simplification of frontier formalities —
Report of the 10th Session of the Special
Committee**

**(Docs. CE/FF (61) PV 1 Prov., CM (61)
138 and 141)**

The United Kingdom Representative announced that his Government was now prepared to accept the text of Article 12 of the draft European Agreement on travel by young persons on collective passports, as drafted by the Special Committee and amended by the Legal Directorate.

He added that on signing the Agreement his Government would avail itself of the provisions of the said Article and made the following statement:

"The United Kingdom authorities would require each person aged 16 years or over who travelled in a party using a collective passport covered by this Agreement to be in possession of an official identity document bearing a photograph (e.g. an identity card, driving licence, certificate of nationality for travel purposes or a passport which has expired not more than three years previously) or, alternatively, a certified photograph of each such member be affixed to the collective passport opposite his or her name. The photographs might be certified by the organising body or by the leader of the party and, after being affixed to the collective passport, stamped by a British Visa Office in such a way that the photograph could not be removed and replaced by another.

It would be of considerable assistance to the United Kingdom immigration authorities if young persons under the age of 16 years travelling in parties using a collective passport could carry with them some sort of official identity document, but this is not essential."

The Deputies decided to resume consideration at their 102nd meeting of all the questions raised under the heading of "Simplification of frontier formalities", viz:

(a) Report of the 10th Session of the Special Committee, including the draft European Agreement on travel by young persons on collective passports (Docs. CE/FF (61) PV 1 and CM (61) 141).

(b) Letter from the Chairman of the Special Committee concerning the Committee's activities (Doc. CM (61) 138).

X. Development of Africa — Technical Assistance — Recommendation 279
(Doc. CM (61) 137)

The Deputies heard comments by the Secretary-General on his memorandum concerning Recommendation 279 of the Consultative Assembly on technical assistance to Africa (Doc. CM (61) 137). The Secretary-General explained in more detail his proposals, which had been drawn up by agreement with the OEEC Secretariat. Without additional staff or expenditure they would promote collaboration between European and African countries on lines conforming with both the letter and spirit of the Resolution adopted at the third meeting of the FAMA.

Many delegations stated that their Governments were interested in technical assistance to Africa in the youth and education fields, and it was agreed that further consideration would be given to the Secretary-General's proposals at a future meeting in the light of observations which would be presented by the French and United Kingdom delegations.

In the course of the discussion the Deputies approved in principle a proposal made by the Netherlands Representative to modify, if necessary, the procedure suggested in the Secretary-General's memorandum for giving effect to a request for assistance, and to consult the Governments directly on this matter (Doc. CM (61) 137, para. 14 (v)).

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The Secretary-General announced that Mr. Cheyson, Secretary-General of the CCTA, would be at Strasbourg on 21st and 22nd September and would be glad to meet the Permanent Representatives.

XI. European political co-operation — Recommendation 277

The Deputies resumed consideration of Recommendation 277 concerning European political co-operation. They decided that in the present circumstances no action need be taken on this Recommendation, which suggested that the Committee of Ministers should "take steps to inaugurate political consultations within the Council of Europe, as already contemplated in the earlier deliberations of the Committee of Ministers, in particular in Resolutions (57) 26 and (59) 30".

The Assembly would be informed of this decision of the Committee of Ministers at the meeting of the Joint Committee to be held on the occasion of the 29th Session of the Committee of Ministers.

**XII. Agricultural policies in Europe
Recommendation 280**

The Deputies resumed consideration of paragraph 9 of Recommendation 280 concerning the relations on agricultural questions between the Council of Europe and OECD in the light of the discussion on 10th July, at the meeting of the CE/OEEC Liaison Committees.

The Greek Representative, as Chairman of the Council of Europe Liaison Committee, reported that at this meeting the OEEC representatives had informed the members of the Council of Europe Committee that the Council of OEEC had instructed the Committee of Deputies of Ministers of Agriculture to take Recommendation 280 into account in working out their proposals for a plan of action and, if appropriate, to prepare a reply. It was stated that this Recommendation, bearing on highly topical problems, would be examined in the more general context of the formulation of OECD's agricultural policy.

The Deputies agreed that, in the circumstances, there was no need to communicate the views of the Committee of Ministers to the Preparatory Committee and asked the Secretary-General to keep them informed of developments in the work of OEEC in this field.

With regard to paragraph 10 of Recommendation 280 asking that the Assembly be inform-

ed of action by member Governments in connection with the FAO Freedom from Hunger Campaign, the Secretary-General was authorised to communicate to the Assembly a summary of information received from Governments.

XIII. Procedure for the appointment of "unclassified" officials
(Docs. SG (61) 1 and 2)

Pending the statement by the Assembly of its views on a possible amendment to Article 8 of the Regulations concerning the appointment of "unclassified" officials, the Deputies decided to defer consideration of this question to a later meeting.

XIV. Council of Europe premises — Office accommodation
(Doc. CM (61) 139)

The Deputies confirmed their approval in principle given at the previous meeting to the conversion of Rooms 201 and 202 into offices, and authorised the Secretary-General to put the work in hand, it being understood that the total cost would not exceed 45,000 NF.

For this purpose the Deputies decided to make a supplementary appropriation of the said amount under Sub-head 67 (Alterations to premises) of the 1961 Budget. (See point XXXII (d), Resolution (61) 24)¹.

XV. Nature conservation — Convening of an ad hoc Committee — Recommendation 284

The Deputies resumed their study of Recommendation 284 proposing to establish within the Council of Europe framework a permanent system for co-operation in matters of nature protection in Europe.

Certain delegations, though they did not oppose the convening of an *ad hoc* committee as proposed in the second paragraph of point 3 in Recommendation 284, said that in the

view of their Governments the tasks referred to in that Recommendation might be entrusted to existing organisations such as the International Union for the Conservation of Nature (IUCN).

The Deputies adopted Resolution (61) 21, the text of which is contained in Appendix 1, page 228.

The Secretary-General was authorised to invite Spain, Portugal and Switzerland and also, UNESCO, FAO, IUCN, ICBP and IHC to send observers to the meeting of the *ad hoc* committee.

The Irish Representative voted *ad referendum*.

The representatives of Denmark, the Federal Republic of Germany, Norway and Sweden abstained.

XVI. Arbitration in international relations of private law — Recommendation 156 — Request for appropriation
(Letter J/11.085 of 22.6.1961)

The Deputies did not accede to a request that the Council of Europe should bear the expenses of two experts per country instead of one at the next meeting of the Committee of Experts on Arbitration.

XVII. Abolition of the need for the legalisation of certain documents
(Doc. CM (61) 102)

The Secretary-General announced that the Netherlands Government was consulting member Governments of the Hague Conference on the United Kingdom Government's request for the official text of the draft Convention to be also drawn up in English. He added that according to unofficial information certain member Governments had already signified their assent.

XVIII. Hotelkeeper's liability — Opinion No. 34
(Docs. CM (61) 103, 135 and 151)

The Deputies decided to defer consideration of this question to their 103rd meeting.

1. See pages 169. and 229.

XIX. Patents — Report of the Committee of Experts

(Doc. CM (61) 97)

The Deputies examined the last point which remained to be dealt with in the report of the Committee of Experts on Patents and which concerned the provision of international classification symbols on official copies of applications used for claiming international convention priority dates (Doc. CM (61) 97).

The Deputies gave effect to the proposals of the Committee of Experts on Patents and adopted Resolution (61) 22, the text of which is contained in Appendix I, page 229.

The Austrian, Swedish and United Kingdom Representatives abstained and reserved the right of their Governments not to apply the provisions of this Resolution.

XX. Resettlement Fund — Future

(Docs. CM (61) 79, 100 and 113)

In accordance with the instructions given them by the Committee of Ministers at their 27th Session on 12th December 1960, the Deputies resumed their study of the problem of the Fund's future raised by Resolution No. 31 of the Governing Body of the Fund.

They noted that the Governments of the countries not Members of the Fund had no intention at present of acceding to it, the representatives of Austria, Ireland and Norway having stated that their Governments shared the view expressed earlier by the representatives of Denmark, the Netherlands, Sweden and the United Kingdom.

The Deputies discussed the Secretariat memorandum on the activities of the Fund (Doc. CM (61) 100) and the memorandum by the Special Representative for National Refugees and Over-population (Doc. CM (61) 113) containing comments and suggestions as to the future of the Fund.

The representatives of the member countries of the Fund instructed the Secretariat-General to prepare a memorandum suggesting amendments to the Articles of Agreement of the Fund and changes in its administration and financial management such as would enable

it to continue operations under conditions more befitting the present economic and financial position of its member countries.

In the light of this study the representatives of the member countries of the Fund agreed to resume, possibly in consultation with the Special Representative, the examination of measures to be taken with regard to the future of the Fund.

XXI. Exchange of television programmes — Report of the 6th meeting of Experts

(Doc. CM (61) 63)

The Deputies examined and took note of the Report of the 6th meeting of the Committee of Legal Experts on the Exchange of Television Programmes (Doc. CM (61) 63).

With regard to the Committee's terms of reference, the Deputies acceded to its request that it should extend its activities to all matters relating to broadcasting and television.

The United Kingdom Representative observed that the extension of the Committee's terms of reference might necessitate a widening of its composition.

The Deputies adopted Resolution (61) 23, the text of which is contained in Appendix I, page 229.

The representatives of Greece, Norway and Turkey abstained.

The Netherlands Representative also abstained, since the question was still under consideration by the national authorities.

XXII. Parcel and freight transit delays

(Doc. CM (61) 131)

The Deputies considered the United Kingdom proposal concerning parcel and freight transit delays that "the Consultative Assembly should be invited to consider the problem from the users' point of view and assemble evidence of the actual time taken by consignments, on the assumption that their recommendations would be passed on to other authorities and that the Committee of Ministers would not themselves be equipped to pursue any detailed investigation into the causes of delay or the remedies" (Doc. CM (61) 131).

Certain delegations were hesitant as to the desirability of the Council of Europe taking up this question, which was the concern of several ministerial departments in each member State, and, moreover, was already being dealt with by several other organisations. A number of delegations also doubted whether the Consultative Assembly could usefully express any opinion on the matter.

It was, however, felt that, though the Assembly might not be able to suggest technical solutions to the problem, it might make a useful contribution to the search for such solutions by stimulating the work of the specialised organisations.

The Deputies therefore agreed that the Assembly should be consulted, under Article 23 (a) of the Statute, on the question of parcel and freight transit delays. The Secretariat-General was instructed to draft, in consultation with the United Kingdom delegation, the memorandum to be addressed to the Assembly.

XXIII. Multiple nationality
Report of the Committee of Experts
(Doc. CM (61) 31)

The Deputies resumed their study of the draft European Convention for reduction in the number of cases of multiple nationality, prepared by the Committee of Experts set up in pursuance of Resolution (58) 16, and of the amendments proposed by various delegations (Doc. CM (61) 31).

The Deputies found that, in view of the technical difficulties resulting from the amendments moved by certain delegations, it was not possible for them to reach any agreement and therefore deemed it advisable to remit the whole question to the Committee of Experts.

The Norwegian, Swedish and Turkish Representatives were against referring the matter back to the Committee of Experts; they considered that the Experts, without precise terms of reference, would have great difficulties in preparing a draft or drafts of the Convention embodying amendments which they had before them in the course of their own studies and on which they had been unable to reach agreement.

The Deputies agreed to send their Governments' comments and amendments to the

Secretariat-General, which would be instructed to issue them in the form of a report, on which the Committee of Experts would be asked to express their opinion.

It was understood that the expenses entailed in holding this meeting of the Committee of Experts would be charged to the 1962 Budget.

XXIV. Council of Europe/OEEC Liaison
Committees — Report on the 26th Session
(Doc. CE/OEEC (61) CR 2)

The Greek Representative, Chairman of the Council of Europe Liaison Committee, gave an account of the meeting of the Liaison Committees held in Paris on 10th July 1961.

The Deputies decided to request OEEC to transmit to them the draft Agreement between OECD and the Council of Europe as soon as the OECD Preparatory Committee had come to a decision on this subject, and to hold the next meeting of the Liaison Committees planned for 8th October 1961 on the basis of the former Agreement between the OEEC and the Council of Europe. At this meeting proposals to amend the text of the former Agreement might be discussed.

With a view to that discussion, the Deputies agreed to meet at 11 a.m. on 27th September to examine the text of the draft Agreement between the OECD and the Council of Europe.

XXV. ECSC - 9th General Report on Activities

This item was held over to the 102nd meeting pending transmission to the Governments of the 9th General Report of ECSC in the official languages of the Council of Europe.

XXVI. European Economic Community —
4th General Report on Activities

This item was held over to the 102nd meeting pending transmission to the Governments of the 4th General Report of the European Economic Community in the official languages of the Council of Europe.

**XXVII. Euratom — 4th General Report
on Activities**

This item was held over to the 102nd meeting pending transmission to the Governments of the 4th General Report of Euratom.

**XXVIII. Joint Committee — Date, place
and Agenda**

(Docs. CM (61) 142 and CM/AS (61) OJ 2 prov.)

The Deputies took note of the proposals by the President of the Consultative Assembly relating to the draft Agenda of the next meeting of the Joint Committee, to be held at Deputy level on Thursday, 21st September, at 10.30 p.m.

Referring to their discussions on items II (a) and IV (b) of the Agenda for the present meeting, the Deputies noted that there was no reason to propose, for the Agenda of the Joint Committee's meeting, questions relating to procedure for consultation between member States and the organisation of conferences by the Consultative Assembly.

The following Agenda for the meeting of the Joint Committee was therefore decided:

— Relations between the Consultative Assembly of the Council of Europe and OECD (Recommendations 245 and 273).

— Proposals for an annual colloquy between the Consultative Assembly and the Committee of Ministers (Recommendation 271).

— Strengthening of the powers of the Assembly in budgetary matters (Recommendation 261).

It was understood that the meeting would be held in conformity with the new working methods of the Joint Committee suggested by the Committee of Ministers (Doc. CM (61) PV 1, Appendix II).

**XXIX. Communication from the Committee
of Ministers to the Assembly**

The Chairman informed the meeting of the points which would be dealt with in the communication to be made by the Chairman of the Committee of Ministers to the Assembly in accordance with the practice established when effect was given to the proposals concerning the preparation and presentation of the report addressed by the Committee of Ministers to

the Assembly in pursuance of Article 19 of the Statute.

**XXX. Date and place of 103rd meeting
of the Deputies**

The Deputies decided to hold their 103rd meeting in Strasbourg at 3 p.m. on 27th November.

When confirming the date of 23rd October for their 102nd meeting, they agreed to devote some time to a preliminary examination of items for inclusion in the Agenda of the 29th Session of the Committee of Ministers next December.

The discussion of the organisation of the Secretariat would take place at 3 p.m. on Monday 23rd October and that of the Report of the *ad hoc* Committee appointed under Resolution (60) 32 at 10 a.m. on Wednesday, 25th October.

XXXI. Partial Agreement of the Seven

(a) *Cultural Committee — Report of the 2nd Session*
(Doc. PA/CULT (61) 51)

The Deputies representing the member countries of the Partial Agreement in the cultural field took note of the Report of the 2nd Session of the Cultural Committee (Doc. PA/CULT (61) 51).

They reserved their intention, however, of returning to certain points in this Report later, in particular with regard to the continuation of the work of this Committee, when the Ministers would have taken a decision on the proposals of the *ad hoc* Committee set up in accordance with Resolution (60) 32.

(b) *Joint Committee on the rehabilitation and resettlement of the infirm — Report of the 3rd Session*
(Doc. SG/PA/REHAB (61) 2)

The Deputies representing member countries of the Partial Agreement in the social field took note of the Report of the 3rd Session of the Joint Committee on the rehabilitation and resettlement of invalids and approved the Resolution concerning the participation of countries not signatory to the Partial Agreement in the work of the Joint Committee.

The Netherlands Representative mentioned the difficulties experienced by the Joint Committee because of delay in circulating certain documents, and asked the Secretary-General whether, in such cases, the Governments could

not in future be consulted as to the advisability of postponing the meeting instead of holding it on the original date, when the Committee could not proceed satisfactorily with its work.

The Secretary-General promised to bear these observations in mind.

XXXII. Other business

(a) Social Charter

(i) Second reading of the text (Doc. CM (61) 120)

The Deputies made a final examination of the text of the draft Social Charter which is to be signed in Turin on 18th October.

(ii) Signature of the Charter

The Deputies declared that they would inform the Secretariat before 10th October whether their Governments would sign the Charter on 18th October.

It was agreed that the Deputies of those countries which, at the time of signature, intend making the declaration provided for in Article 34 on territorial application, would inform the Secretariat-General by 10th October at the latest. It was pointed out that the above-mentioned declaration may also be made at the time of the deposit of the instrument of ratification or approval.

It was recalled that Representatives of Governments which are to sign the Charter must be duly authorised thereto unless the Charter is to be signed by the Minister for Foreign Affairs in person.

The Deputies decided to open additional credits to a total amount of 14,000 NF to be distributed as follows :

Sub-head 20 — Official journeys... 9,200 NF

Sub-head 21 — Entertainment expenses (common fund). 3,000 NF

Sub-head 37 — Official journeys of staff of the Office of the Clerk of the Assembly. . . . 1,800 NF
(See point XXXII (d) and Resolution (61) 24) ¹

The Secretariat-General was instructed to inform Permanent Representatives immediately of the final programme of ceremonies organised for the signature of the Social Charter at Turin.

(b) Co-ordinating Committee of Government Budget Experts — Terms of reference and status (Doc. CM (61) 145)

The Deputies postponed consideration of this matter until their next meeting in order to give national authorities an opportunity to make a more thorough examination of the proposals of the Secretaries-General of the four International Organisations regarding the re-organisation of the Co-ordinating Committee (Doc. CM (61) 145).

(c) Inter-country adoption of children — Participation of observers (Doc. CM (61) 153)

The Deputies authorised the Secretary-General to extend invitations to the International Union for Child Welfare, the International Union of Family Organisations and the International Social Service to send observers to the meeting, on 14th November next, of the Sub-committee of social experts and jurists appointed to draft a Convention on child adoption.

(d) Budget 1961 — Supplementary credits

With reference to the financial decision taken during the discussion of Points XIV (Council of Europe buildings) and XXXII (a) (Signature of the Social Charter), the Deputies adopted Resolution (61) 24, the text of which is contained in Appendix 1, page 229.

1. See page 229.