

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (76) 4

ON CONSULTANTS

*(Adopted by the Committee of Ministers on 18 February 1976
at the 254th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Having regard to Resolution (74) 4 on the future role of the Council of Europe ;

Having regard to the report of the working party of the Ministers' Deputies set up to study and implement paragraph I.k concerning committee structures, terms of reference and working methods (Doc. CM (75) 156) ;

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

In pursuance of Articles 16 and 17 of the Statute,

Resolves as follows :

I. Definition

1. Consultants shall be highly specialised persons (or institutions) engaged under a service contract to perform a clearly defined task with a view to presenting a report within a specified time-limit and in return for specified remuneration. The Secretariat organisational chart and the Staff Regulations shall not apply to consultants.

II. Categories

2. There shall be two categories of consultant :

— consultants for the annual programme of activities, on whose services the Secretary General may call in accordance with directives issued by the steering committees ;

— Secretary General's consultants.

III. Terms of reference

3. Consultants' terms of reference shall specify the general lines of the work to be done, its purpose and its completion date.

4. The content of the terms of reference of consultants for the annual programme of activities and the qualifications that should preferably be possessed by the person or agency to be appointed shall be determined by directives issued to the Secretary General by the steering committees.

5. The content of the terms of reference of Secretary General's consultants shall be determined by the Secretary General.

6. A consultant shall not be used if the work can be done satisfactorily by a Secretariat official.

IV. *Recruitment*

7. Consultants shall be recruited by the Secretary General. In order to find the best person for the assignment, the Secretary General may seek the assistance of the bureau of the steering committee concerned and/or the Permanent Representatives.

V. *Service contracts*

8. A service contract shall be signed by the Secretary General on behalf of the Council of Europe, and by the consultant.

9. The contract shall reproduce the terms of reference, state the remuneration and specify the manner in which the services are to be performed (at home, part-time or full-time).

10. The contract shall also stipulate that the interpretation of all the clauses of the contract shall rest with the Secretary General, except that he shall consult the bureau of the steering committee concerned with regard to interpretation of the terms of reference of consultants for the annual programme of activities.

11. *a.* Operational supervision of the execution of the terms of reference assigned to a consultant for the annual programme of activities shall be carried out initially by the Secretary General and ultimately by the steering committee that laid down his terms of reference.

b. Operational supervision of the execution of the terms of reference assigned to a Secretary General's consultant shall be carried out by the Secretary General.

12. Supervision of the execution of the non-operational clauses of the service contract shall be carried out according to the rules of administrative supervision.

VI. *Remuneration*

13. Remuneration shall be determined according to criteria laid down in advance, bearing in mind the time required for completion of the task and the quality of work required.

14. The remuneration of consultants for the annual programme of activities shall be charged to the part of the budget covering the annual programme of activities.

15. The remuneration of Secretary General's consultants shall be charged to a separate sub-head in the budget.