



## **Texts of a statutory character \***

adopted by the Committee of Ministers in the course of its 8th and 9th Sessions with a view to their ultimate inclusion in a revised Statute of the Council of Europe

Strasbourg, 1951

---

### **I – Resolution adopted by the Committee of Ministers at its 8th Session, May 1951**

The Committee of Ministers;

Having regard to certain proposals made by the Consultative Assembly for the revision of the Statute of the Council of Europe;

Considering that the provisions hereinafter set out are not inconsistent with the present Statute;

Declares its intention of putting into effect the following provisions:

#### **Admission of new members**

The Committee of Ministers, before inviting a State to become a member or associate member of the Council of Europe, in accordance with Articles 4 and 5 of the Statute, or inviting a member of the Council of Europe to withdraw, in accordance with Article 8, shall first consult the Consultative Assembly in accordance with existing practice.

#### **Powers of the Committee of Ministers**

(Article 15 of the Statute)

The conclusions of the Committee may, where appropriate, take the form of a convention or agreement. In that event the following provisions shall be applied:

- i. The convention or agreement shall be submitted by the Secretary General to all members for ratification;
- ii. Each member undertakes that, within one year of such submission or, where this is impossible owing to exceptional circumstances, within eighteen months, the question of ratification of the convention or agreement shall be brought before the competent authority or authorities in its country;
- iii. The instruments of ratification shall be deposited with the Secretary General;
- iv. The convention or agreement shall be binding only on such members as have ratified it.

---

(\*) This edition of the "Texts of a statutory character" incorporates the verbal emendations with a view to a precise concordance of the French and English versions which were approved at the 40th meeting of the Ministers' Deputies (8-16 June 1956).

### **Joint Committee**

- i. The Joint Committee is the organ of co-ordination of the Council of Europe. Without prejudice to the respective rights of the Committee of Ministers and the Consultative Assembly, the functions of the Joint Committee shall be, in particular:
  - a. to examine the problems which are common to those two organs;
  - b. to draw the attention of those two organs to questions which appear to be of particular interest to the Council of Europe;
  - c. to make proposals for the draft agenda of the sessions of the Committee of Ministers and of the Consultative Assembly;
  - d. to examine and promote means of giving practical effect to the recommendations adopted by one or other of these two organs.
- ii.
  - a. The Joint Committee shall be composed in principle of twelve members, five representing the Committee of Ministers and seven representing the Consultative Assembly, the latter number to include the President of the Consultative Assembly, who shall be a member *ex officio*. The number of members may be increased by agreement between the Committee of Ministers and the Assembly. Nevertheless, the Committee of Ministers shall, at its discretion, be entitled to increase the number of its representatives by one or two.
  - b. The Committee of Ministers and the Consultative Assembly shall each be free to choose its own method of selecting its representatives on the Joint Committee.
  - c. The Secretary General shall be entitled to attend the meetings of the Joint Committee in an advisory capacity.
- iii.
  - a. The President of the Consultative Assembly shall be the Chairman of the Joint Committee.
  - b. No proceedings of the Committee shall be regarded as valid unless there is a quorum consisting of three of the representatives of the Committee of Ministers and five of the representatives of the Consultative Assembly.
  - c. The conclusions of the Joint Committee shall be reached without voting.
  - d. The meetings of the Joint Committee shall be convened by the Chairman and shall take place as often as is necessary and, in particular, before and after the sessions of the Committee of Ministers and of the Consultative Assembly.
  - e. Subject to the foregoing provisions, the Joint Committee may adopt its own Rules of Procedure.

### **Specialised authorities**

- i.
  - a. The Council of Europe may take the initiative of instituting negotiations between members with a view to the creation of European specialised authorities, each with its own competence in the economic, social, cultural, legal, administrative or other related fields.
  - b. Each member shall remain free to adhere or not to adhere to any such European specialised authority
- ii. If member States set up European specialised authorities among themselves on their own initiative, the desirability of bringing these authorities into relationship with the Council of Europe shall be considered, due account being taken of the interests of the European community as a whole.

- iii. a. The Committee of Ministers may invite each authority to submit to it a periodical report on its activities.
- b. In so far as any agreement setting up a specialised authority provides for a parliamentary body, this body may be invited to submit a periodical report to the Consultative Assembly of the Council of Europe.
- iv. a. The conditions under which a specialised authority shall be brought into relationship with the Council may be determined by special agreements concluded between the Council and the specialised authority concerned. Such agreements may cover, in particular:
  - 1. reciprocal representation and, if the question arises, appropriate forms of integration between the organs of the Council of Europe and those of the specialised authority;
  - 2. the exchange of information, documents and statistical data;
  - 3. the presentation of reports by the specialised authority to the Council of Europe and of recommendations of the Council of Europe to the specialised authority;
  - 4. arrangements concerning staff and administrative, technical, budgetary and financial services.
- b. Such agreements shall be negotiated and concluded on behalf of the Council of Europe by the Committee of Ministers after an opinion has been given by the Consultative Assembly.
- v. The Council of Europe may co-ordinate the work of the specialised authorities brought into relationship with the Council of Europe in accordance with the foregoing provisions by holding joint discussions and by submitting recommendations to them, as well as by submitting recommendations to member governments.

**Relations with intergovernmental and non-governmental international organisations**

- i. The Committee of Ministers may, on behalf of the Council of Europe, conclude with any intergovernmental organisation agreements on matters which are within the competence of the Council. These agreements shall, in particular, define the terms on which such an organisation shall be brought into relationship with the Council of Europe.
- ii. The Council of Europe, or any of its organs, shall be authorised to exercise any functions coming within the scope of the Council of Europe which may be entrusted to it by other European intergovernmental organisations. The Committee of Ministers shall conclude any agreements necessary for this purpose.
- iii. The agreement referred to in paragraph i may provide, in particular:
  - a. that the Council shall take appropriate steps to obtain from, and furnish to, the organisations in question regular reports and information, either in writing or orally;
  - b. that the Council shall give opinions and render such services as may be requested by these organisations.
- iv. The Committee of Ministers may, on behalf of the Council of Europe, make suitable arrangements for consultation with international non-governmental organisations which deal with matters that are within the competence of the Council of Europe.

**II – Resolution on Partial Agreements, adopted by the Committee of Ministers at its 9th Session, on 2 August 1951**

The Committee of Ministers,

Having regard to Article 20.a of the Statute, which provides that recommendations by the Committee of Ministers to member governments require the unanimous vote of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee;

Having regard to Recommendation 3 adopted by the Consultative Assembly in August 1950;

Desirous, whenever possible, of reaching agreement by unanimous decision, but recognising, nevertheless, that in certain circumstances individual members may wish to abstain from participating in a course of action advocated by other members;

Considering that it is desirable for this purpose that the procedure of abstention already recognised under Article 20.a of the Statute should be so defined that the individual representatives on the Committee of Ministers should be able, by abstaining from voting for a proposal, to avoid committing their governments to the decision taken by their colleagues,

Resolves:

1. If the Committee, by the unanimous vote of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee, decides that abstention from participation in any proposal before it shall be permitted, that proposal shall be put to the Committee; it shall be considered as adopted only by the representatives who then vote in favour of it, and its application shall be limited accordingly.
2. Any additional expenditure incurred by the Council in connection with a proposal adopted under the above procedure shall be borne exclusively by the members whose representatives have voted in favour of it.