

RESOLUTION (70) 34

(Adopted by the Ministers' Deputies on 27 November 1970)

LEGAL AND FINANCIAL CONSEQUENCES OF THE WITHDRAWAL OF GREECE FROM THE COUNCIL OF EUROPE

The Committee of Ministers,

Considering that by *Note Verbale* of 12 December 1969, the Government of Greece notified the Secretariat General of its decision to withdraw from the Council of Europe in accordance with Article 7 of the Statute of the Council;

Noting that in application of Article 7 of the Statute of the Council of Europe, the notification of Greece's withdrawal shall take effect at the end of 1970;

Having regard to Article 28 of its Rules of Procedure under which it shall decide on the legal and financial consequences of the notice of withdrawal of Greece from the Council of Europe;

Having regard to the proposals of the Secretary General contained in Document CM (70) 121,

I. Takes note that the withdrawal of Greece from the Council of Europe entails the following legal and financial consequences :

1. Greece will cease to be a Member of the Council of Europe on 31 December 1970; consequently Greece will thereafter no longer be able to lay claim to any right nor be regarded as bound by any obligation deriving from the Statute of the Council of Europe or connected with membership thereof, subject, however, to the obligations which she has assumed under that Statute in respect of any fact prior to her withdrawal from the Organisation taking effect;
2. Greece will no longer have the right to be represented on the statutory organs of the Council of Europe nor on any subsidiary organs thereof; she will no longer be entitled to participate in the activities carried out within the statutory framework of the Council of Europe, nor to benefit from such activities;
3. Any possible participation by Greece in conferences convened by the Council of Europe or in other events organised by it shall, in principle, be governed by the provisions in force or the practice followed for such participation by European non-member States of the Council;

4. Greece is bound to pay in full her statutory contribution to the expenses of the Council of Europe for the year 1970, including :

- (i) her contribution to the general budget of the Organisation;
- (ii) her contribution to the budget of the Partial Agreement on the Resettlement Fund for National Refugees and Over-Population in Europe;
- (iii) her contribution to the budget of the Partial Agreement in the social and public health fields,

it being understood that she will be entitled to the repayment of her share of the Working Capital Fund of the Council and of her share of any possible credit balance for the financial years 1969 and 1970;

5. As regards the Partial Agreement in the social and public health fields :

(a) Greece may, if she so wishes, continue, as a party to the Administrative Arrangements for the health control of sea, air and land traffic concluded within the framework of that Partial Agreement, to take part in the work of the Public Health Committee (PA) relating to these Arrangements;

(b) Greece shall be bound, if she continues to take part after 31 December 1970 in the work of the Public Health Committee (PA) mentioned under (a), to contribute to the budget of the said Partial Agreement according to the criteria determined for the participation of governments which are not parties thereto;

6. As regards the Resettlement Fund for National Refugees and Over-Population in Europe :

(a) nothing prevents Greece, if she so wishes, continuing, with the prior authorisation of the governing body of the Fund, to be a Member thereof on the same terms which governed her participation as from the date of its establishment;

(b) Greece shall be bound, if she remains a Member of the Fund, to contribute to the budget of the Partial Agreement of the Fund according to a percentage to be determined by the Committee of Ministers, after consultation with the Greek Government;

(c) the withdrawal of Greece from the Council of Europe shall not affect her position as a Contracting Party to the Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, if she remains a Member of the said Fund;

7. The withdrawal of Greece will not affect her position as a Contracting Party to those conventions and agreements concluded within the Council of Europe, which she has ratified or signed without reservation in respect of ratification except for those instruments to which only member States of the Council may be Contracting Parties;

8. On 31 December 1970, Greece will cease to be a Contracting Party to the European Convention on Establishment, in accordance with Article 33, paragraph 3 of this Convention; however, under paragraph 2 of the same Article, she shall not be released from her obligations under this Convention in respect of any act which may have been performed by her before that date;

9. The ratification of conventions and agreements concluded within the Council of Europe being reserved to member States only, the Secretary General can no longer accept, after 31 December 1970, any deposit of instruments of ratification by Greece of these conventions and agreements which she has signed with reservation in respect of ratification;

10. As a Contracting Party to the European Cultural Convention :

(a) Greece may continue to sit on the Council for Cultural Co-operation (CCC) exercising the functions which fall upon it under the terms of the said Convention;

(b) Greece shall be bound to contribute to the Cultural Fund under the same terms as the other non-member States of the Council of Europe which have acceded to the said Convention;

11. After 31 December 1970, there will no longer be any grounds for requesting nominations from the Greek Government for the election of judges to the European Court of Human Rights, Article 39 of the Convention for the Protection of Human Rights and Fundamental Freedoms reserving the presentation of such nominations to member States of the Council of Europe only;

12. Greece shall continue to be bound by the obligations placed on the Contracting Parties by the General Agreement on the Privileges and Immunities of the Council of Europe and on the First, Second and Fourth Protocols thereto and to benefit from the rights deriving therefrom in favour of these Contracting Parties, to the extent to which she will remain involved in the activities of the Council of Europe or exercised in connection with it;

13. As regards the Conferences of Specialised Ministers, held under the auspices of the Council of Europe and with the assistance of its Secretariat General, any possible invitation of Greece shall in principle be governed by the practice followed for invitations addressed to European non-member States of the Council of Europe;

II. Instructs the Secretary General to notify the content of this resolution to the Government of Greece.