

SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: **GENERAL INTERNATIONAL LAW**

European Convention for the Peaceful Settlement of Disputes ([ETS No. 23](#)), open for signature, in Strasbourg, on 29 April 1957.

Entry into force: 30 April 1958.

The Convention provides three ways of settling by peaceful means disputes.

First, the Parties agree to submit to the judgment of the International Court of Justice all international legal disputes which may arise between them and concern the interpretation of a treaty, any question of international law, the existence of any fact constituting a breach of an international obligation, and the nature or extent of the reparation to be made for the breach of an international obligation (Article 1).

Second, for the settlement of other disputes or when Parties have agreed to submit them to conciliation prior to recourse to judicial resolution, Parties agree to submit a dispute to a Permanent Conciliation Commission or to a special Conciliation Commission (Chapter II).

Third, for all disputes which may arise between the Parties other than those mentioned in Article 1 and which have not been settled by conciliation, either because the Parties have agreed not to have prior recourse to it or because conciliation has failed, Parties agree to apply the procedure of arbitration (Chapter III).

The provisions of this Convention are not applied to disputes which the Parties have agreed to submit to another procedure of peaceful settlement. As regards disputes falling within the scope of Article 1 of the Convention, Parties shall refrain from invoking as between themselves agreements which do not provide for a procedure entailing binding decisions.

Finally, if one of the Parties to a dispute fails to carry out its obligations under a decision of the International Court of Justice or an award of the Arbitral Tribunal, the other Party to the dispute may seize the Committee of Ministers of the Council of Europe which may make recommendations with a view to ensuring compliance with the decision or award.

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European Convention on Consular Functions ([ETS No. 61](#)) and its Protocols ([ETS No. 61A](#) and [ETS No. 61B](#)), open to signature, in Paris, on 11 December 1967.

Entry into force: 9 June 2011.

The Convention sets out certain rules for consular relations between member States, while taking account of the worldwide Vienna Convention on Consular Relations of 1963. It defines the general functions of consuls to protect the rights and promote the interests of their nationals and their country within their district. It also lays down rules for the issue or delivery of documents, the administration of estates and assistance to shipping.

Protocol ETS No. 61A¹ extends the provisions of the Convention to refugees.

¹ Protocol to the European Convention on Consular Functions concerning the Protection of Refugees (ETS No. 61A), open for signature, in Strasbourg, on 11 December 1967.

Protocol ETS No. 61B² extends the provisions of the Convention to civil aircraft.

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European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers ([ETS No. 63](#)), open for signature, in London, on 7 June 1968.

Entry into force: 14 August 1970.

Under this Convention, Parties undertake to exempt from any legalisation documents or certificates executed by diplomatic agents or consular offices of a Party. The Parties have to establish a system for the verification, where necessary, of the authenticity of documents to which this Convention applies.

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European Convention on State Immunity ([ETS No. 74](#)) and its **Protocol** ([ETS No. 74A](#)), open for signature, in Basel, on 16 May 1972.

Entry into force: 11 June 1976.

The Convention aims to establish common rules relating to the scope of the immunity of one Party from the jurisdiction of the courts of another Party.

It specifies the cases in which a Party may not claim immunity before foreign courts. This applies when the Party in question accepts the jurisdiction of the court and in proceedings relating to work contracts, participation in a company or association, industrial, commercial or financial activities; rights over immovable property in the State where the court is situated; redress for injury to persons or damage to property.

The Convention specifies the rules concerning the proceedings against a Party in a court of another Party and the effects of judgments that Parties agreed to give them.

The Additional Protocol³ completes the Convention by the addition of provisions concerning a European procedure for the settlement of disputes.

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European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations ([ETS No. 124](#)), open for signature, in Strasbourg, on 24 April 1986.

Entry into force: 1 January 1991.

Under this Convention, Parties agree to recognise "as of right" the legal personality and capacity as acquired in a Party where that organisation has its statutory offices.

In order to benefit from the provisions of the Convention, an international non-governmental organisation must:

- have a non profit-making aim of international utility;
- have been established by an instrument governed by the internal law of a Party;
- carry on substantive activities in at least two Parties;
- have its statutory office in the territory of a Party and central management and control in that State or in another Party.

The Convention establishes rules on the proof to be furnished to the authorities in the Party where the recognition is sought, and sets out exceptional cases in which a Party may refuse recognition, for instance where activities of the organisation in question contravene national security, public safety, or is detrimental to the prevention of disorder or crime, etc.).

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² Protocol to the European Convention on Consular Functions relating to Consular Functions in respect of Civil Aircraft (ETS No. 61B), open for signature, in Strasbourg, on 11 December 1967.

³ Additional Protocol to the European Convention on State Immunity (ETS No. 74A), open for signature, in Basel, on 16 May 1972.

Council of Europe Convention on Access to Official Documents ([CETS No. 205](#)), open for signature, in Tromsø, on 18 June 2009.

Entry into force: 1 December 2020.

This Convention is the first binding international legal instrument to recognise a general right of access to official documents held by public authorities. Transparency of public authorities is a key feature of good governance and an indicator of whether or not a society is genuinely democratic and pluralist. The right of access to official documents is also essential to the self-development of people and to the exercise of fundamental human rights. It also strengthens public authorities' legitimacy in the eyes of the public, and its confidence in them.

This Convention lays down a right of access to official documents. Limitations on this right are only permitted in order to protect certain interests like national security, defense or privacy.

The Convention sets forth the minimum standards to be applied in the processing of requests for access to official documents (forms of and charges for access to official documents), review procedure and complementary measures and it has the flexibility required to allow national laws to build on this foundation and provide even greater access to official documents.

A Group of Specialists on Access to Official Documents will monitor the implementation of this Convention by the Parties.