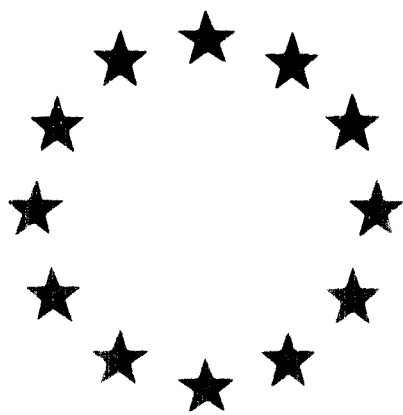


COUNCIL  
OF EUROPE



CONSEIL  
DE L'EUROPE

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COMMITTEE OF MINISTERS

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CONFIDENTIAL  
CM/Del/Concl (81) 336

**CONCLUSIONS**  
**OF THE 336<sup>th</sup> MEETING**  
**OF THE MINISTERS' DEPUTIES**

HELD IN STRASBOURG

FROM 9 TO 11 SEPTEMBRE 1981



STRASBOURG



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The 336th meeting of the Deputies was opened on Wednesday, 9 September 1981, at 3 pm at B level under the Chairmanship of Mr. D. Cape, Deputy for the United Kingdom Secretary of State for Foreign and Commonwealth Affairs.

PRESENT

AUSTRIA	Mr. U.	Hack
BELGIUM	Mr. P. Mr. M.	Duqué van den Reeck
CYPRUS	-	
DENMARK	Mr. B.	Christensen
FRANCE	Mr. T. Mr. R.	de Kerros Schublin
FEDERAL REPUBLIC OF GERMANY	Mr. K.A.	Hampe
GREECE	Mr. D. Mr. A.	Constantinou Mallias
ICELAND	-	
IRELAND	Mr. M.	Flynn
ITALY	Miss M. Mr. G.	Costa Ceruti
LIECHTENSTEIN	Mr. R.	Marxer
LUXEMBOURG	Mr. J.	Hostert

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MALTA	-	
NETHERLANDS	Mr. D.T.	Schuurman Volker
NORWAY	Mr. E. Mlle M.	Bjørnebye Michelsen
PORTUGAL	Mr. J.	da Rocha Páris
SPAIN	Mr. J.A. Mr. J.P.	Yáñez-Barnuevo Garcia-Trelles
SWEDEN	Mr. S.O.	Petersson
SWITZERLAND	Mr. B. Mrs. I.	Schenk Apelbaum
TURKEY	Mr. V.	Şentürker
UNITED KINGDOM	Mr. D. Miss R. Miss A.	Cape, <u>Vice-Chairman</u> Vining Stoddart



At the opening of the meeting the Chairman welcomed Miss A. Stoddart, Deputy Permanent Representative of the United Kingdom who would be replacing Miss R. Vining, and Mr. M. van den Reeck, Deputy to the Permanent Representative of Belgium who had replaced Miss R. De Clercq following her posting in July.

Mr. S. Ozsoy, Deputy to the Permanent Representative of Turkey, had informed him of his posting to Ankara and had asked him to forward to all colleagues his thanks for their collaboration and friendship.

Finally, the Permanent Representative of Ireland had informed him that his Deputy, Miss Mary A. Barrington, had been posted.

The Chairman asked the Belgian, Turkish and Irish delegations to pass on to Miss De Clercq, Mr. Özsoy and Miss Barrington the Committee's best wishes for their future careers.

At the end of the meeting, Mr. Yáñez Barneuvo, senior member of the B-level Deputies, said that it was sad that because of the holidays some colleagues had left without the Committee being able to wish them goodbye. He therefore took the opportunity of asking the colleagues of Miss Barrington, Miss de Clercq and Mr. Özsoy to inform them of the Committee's regret at losing them and to give them the Committee's best wishes.

Turning to Miss Vining, who was attending a meeting for the last time, he paid tribute to her indefatigable work on behalf of the Committee, despite the fact that she had been acting as Consul General at the same time. In addition to her qualities of intelligence, vivacity and good humour, there was one quality above all which he wished to single out: in discussions on the status of women she had stressed that, though a woman herself, she was not in favour of positive discrimination; what was important was the capacity for work and enthusiasm. After a long career which had taken her from Karachi to Strasbourg, he had no doubt that retirement would not mean for her the end of an active life and, at the risk of interfering in another country's domestic affairs, he hoped that the government of the United Kingdom would continue to make use of her proven skills by sending her to Strasbourg as an expert.

The Deputy Secretary General, who had made a point of being present to bid farewell to Miss Vining, added to the qualities listed by the previous speaker a very good knowledge of the dossiers, good will and above all good sense. He expressed the Secretariat's regret at her departure.

The Chairman recalled that Miss Vining had come to Strasbourg after a public service career of almost 40 years, in the course of which she had earned the respect and gratitude of her compatriots and the authorities in the places to which she had been posted.

He personally was profoundly grateful for her support and assistance over the past two years, particularly where women's rights were concerned, and would have liked to have had the benefit of her abilities during the British chairmanship.

He wished her much happiness in the new life that she was about to begin and in which she would certainly place her talents at the welfare of others.

Miss Vining, acknowledging that there was no use trying to hide the fact that her career had started a long time ago, spoke of her initial involvement in movements in favour of European unity before and during the last war. When she matched her dreams then with today's reality, she recognised that progress had been made. Referring to some of the items on the agenda of the present meeting, such as the European relief plan for natural disasters, and poverty in Europe, she said it would once have been unthinkable that one day an international organisation should be responsible for such matters. A new phase in international co-operation had begun and the Council of Europe had laid one of the foundation stones. This made her proud to have worked for the Organisation and she hoped for a future in which the peoples of the countries represented around the table would continue to work towards the construction of this Europe.

#### State of votes ad referendum

##### 333rd meeting

Item 28 - European policy for the design and construction of direct broadcasting satellites - Recommendation 896

The delegation of Sweden, which had asked for an extension of the time-limit for confirmation of its vote ad referendum, had since confirmed its approval. The reply to Recommendation 896 would therefore be transmitted to the Assembly.

334th meeting

Item 13 - Bureau of the European Public Health Committee  
(CDSP-BU) - Report of the 10th meeting - (Strasbourg, 23  
March 1981)

The delegation of Austria had confirmed its ad referendum approval of Resolution (81)7 on the continuation of the financial support for the European Bank of Frozen Blood of Rare Groups in Amsterdam.

The ad referendum approval of the delegation of the Federal Republic of Germany could be considered as confirmed in the absence of any indication to the contrary.

Item 17 - Draft Recommendation on sport and physical recreation  
and nature conservation in inland water areas

The delegation of Austria, which had asked for an extension of the deadline for confirmation of its ad referendum vote, had in the meantime confirmed its approval. However, it reserved the right of the Austrian Government to comply with this Recommendation or not in accordance with Article 10.2.c of the Rules of Procedure on meetings of the Ministers' Deputies.

Item 23 - European Committee for the Conservation of Nature and  
Natural Resources (CDSN) - Report of the 6th meeting  
(Strasbourg, 17-20 February 1981)

The delegation of the United Kingdom had confirmed its ad referendum approval of the decisions adopted under this item.

The delegation of Austria had confirmed its ad referendum approval of Recommendation No. R(81)10 on threatened freshwater fish in Europe and of Recommendation No. R(81)11 on peatlands in Europe.

The delegation of Belgium had confirmed its ad referendum approval of Resolution (81)12 concerning the renewal of the European Diploma awarded to the Hautes Fagnes Nature Reserve (Belgium).

With the approval of Recommendation No. R(81)10 on threatened freshwater fish in Europe, the reply to the European Parliament's Resolution on the conservation of wildlife and natural habitats in Europe could be sent to the Parliament. The text of this reply, which made a specific reference to Recommendation No. R(81)10, appeared under item 20 of the agenda of the 334th meeting.



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Item 1

1.

ADOPTION OF THE AGENDA

Decision

The Deputies adopted the agenda of their 336th meeting as it appears at Appendix I to these Conclusions, subject to the postponement of item 12 to their 337th meeting (September 1981 - A level) and 16b to B level at their 338th meeting (October 1981 - A and B levels).



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Item 2

2.

CONSULTATIVE ASSEMBLY  
Texts adopted by the Standing Committee  
(Strasbourg, 1 and 2 July 1981)

Opinion No 106 (1981) on the 6th period of supervision of the application of the European Social Charter

Decision

The Deputies decided to examine Opinion No. 106 together with the 6th Report of the Governmental Committee and Conclusions VI of the Committee of Independent Experts on the European Social Charter (T-SG(80)9 and Add.) at their 339th meeting (November 1981 - A level).

Opinion No 107 (1981) on the Council of Europe budgets for the years 1979, 1981 and 1982

Decision

The Deputies decided to consider Opinion No 107 in the framework of the budget debate at their 340th meeting (November 1981 - A level).

Recommendation 921 (1981) on metal detectors and archaeology

Decision

The Deputies agreed to examine Recommendation 921 at B level at their 338th meeting (October 1981 - A and B levels).

Resolution 753 (1981) on the position of women in the Council of Europe Secretariat

Decision

The Deputies took note of this Resolution.

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Resolution 754 (1981) on relations of the Parliamentary Assembly with international non-governmental organisations

With regard to paragraph 7(i) of Resolution 754, the Representative Austria said that it would indeed be useful to seek more information on how non-governmental organisations (NGOs) fulfil the obligations arising out of their consultative status, but it was premature at this stage to consider withdrawing consultative status from NGOs failing in this duty. Nor did he feel that the new body, the institution of which was referred to in paragraph 10 of the Resolution, would be better able to ensure liaison with the NGOs than the present ad hoc Joint Committee.

Referring to paragraph 7(ii) of the Resolution, the Director of Political Affairs said that he had written a month previously to all NGOs with consultative status asking them for information on how they fulfilled their obligations.

Decision

The Deputies took note of this Resolution.

Resolution 755 (1981) on co-ordination of European air transport policies concerning North Atlantic routes

Decision

The Deputies took note of this Resolution.



3.

REVIEW OF ACTION BY THE COMMITTEE OF MINISTERS  
ON RECOMMENDATIONS ADOPTED BY THE CONSULTATIVE ASSEMBLY  
(Concl(80)325/2, CM(81)158)

The Chairman invited the Deputies to consider the draft replies to Recommendations 702, 846 and 886 in CM(81)158.

Recommendation 702 on the co-operation between the Council of Europe and the International Institute for the Unification of Private Law (UNIDROIT)

The Representative of Norway suggested that specific mention be made of the fact that since the 1980 exchange of views referred to in the draft reply to the Assembly Norway had signed the United Nation Convention on contracts for the international sale of goods.

The Representative of Spain observed that the draft reply proposed by the Secretariat had been somewhat overtaken by events and should be updated.

Recommendation 846 on energy and the environment

The Representative of the United Kingdom said that the draft reply proposed in CM(81)158 was not acceptable to her authorities, who considered that nuclear energy had had no effect on civil liberties.

The Representative of Sweden thought it was rather overstating the case to say that the Committee of Ministers had adopted the corresponding parts of the 2nd Medium-Term Plan in the light of the CDDH's and CDAT's opinions on the possibilities of implementing paragraphs 13(b)(i) and (ii) of Recommendation 846. The relevant objective in the Medium-Term Plan seemed to refer to problems of a more theoretical nature than the very concrete questions mentioned in the Recommendation.

The representative of Plan and Programme Division said that Objective 16.5 of the Medium-Term Plan dealt among other things with energy problems in relation to regional planning policies, and referred to the description of Activity 16.5.3, "Analysis of problems involving energy and regional planning", in the 1981 Programme of Activities.

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Recommendation 886 on post-graduate training modules in energy-related areas

The Representative of Spain proposed that the word "importance" in the second paragraph be replaced by "usefulness" and said that the whole draft reply needed to be brought up to date.

The Representative of Switzerland said that it was too early to adopt a draft reply to the Assembly Recommendation since no information about European summer schools was yet available.

The representative of the Directorate of Education, Culture and Sport said that since the adoption in 1980 of the CC-PU opinion, which had been submitted to the Council for Cultural Co-operation in 1981, the CC-PU had made considerable progress in its work on the items mentioned in the Recommendation. He would prepare a revised draft reply taking these new factors into account.

Decisions

The Deputies

i. decided to close the file on Recommendation 772 on European co-operation in specific scientific fields - the Rhine valley groundwater;

ii. instructed the Secretariat to prepare for examination at B level at their 338th meeting (October 1981 - A and B levels) revised draft replies to the following Recommendations:

- Recommendation 702 on co-operation between the Council of Europe and the International Institute for the Unification of Private Law (UNIDROIT),
- Recommendation 846 on energy and the environment, and
- Recommendation 886 on postgraduate training modules in energy-related areas;

iii. instructed the Secretariat to place the following Recommendations on the agendas of future meetings in due course:

Recommendation 650 on the creation of a European Tele-University

Recommendation 773 on the situation of "de facto" refugees

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- Recommendation 787 on harmonisation of eligibility of practice under the 1951 Geneva Convention on the status of refugees and the 1967 Protocol
- Recommendation 833 on co-operation between Council of Europe member States against international tax avoidance and evasion
- Recommendation 854 on access by the public to government records and freedom of information
- Recommendation 858 on the Declaration on the Police
- Recommendation 860 on the dangers of overpopulation of domestic animals for the health and hygiene of man and on humane methods of limiting such dangers
- Recommendation 862 on cinema and the State
- Recommendation 872 on industrial archaeology
- Recommendation 875 on public participation in decision making on aircraft noise matters
- Recommendation 884 on the 8th progress report of the International Centre for Advanced Mediterranean Agronomic Studies (1976-78)
- Recommendation 885 on the Council of Europe cultural identity card
- Recommendation 891 on the European Convention on Human Rights - Abolition of capital punishment
- Recommendation 894 on the 7th Seminar on International Voluntary Service
- Recommendation 897 on educational visits and pupil exchanges between European countries
- Recommendation 898 on memorials
- Recommendation 899 on trademark law
- Recommendation 909 on the International Convention against Torture
- Recommendation 914 on the social situation of prisoners
- Recommendation 915 on the situation of migrant workers in the host countries
- Recommendation 916 on the Conference on the defence of democracy in Europe - tasks and problems
- Recommendation 917 on the designation of 1985 as European Music Year.



4.

GRANTING OF CONSULTATIVE STATUS WITH THE COUNCIL OF EUROPE  
TO THE EUROPEAN THANATOLOGY ASSOCIATION (AET)  
(CM(81)120)

The Representative of the Federal Republic of Germany said that he was in favour of granting consultative status to the European Thanatology Association (AET) and made the following statement:

"The Federal Association of the German Undertakers' Profession has repeatedly complained that the professional organisations had too little opportunity to express their opinions during the elaboration of the Council of Europe's Convention on the Transport of Corpses. This might explain, at least indirectly, why only relatively few member States have acceded to the Convention. The above-mentioned German Federal Association, for example, continues to be of the opinion that the Berlin Agreement on the Transport of Corpses, which dates back even further, has proved its worth and that the new Convention has, in comparison, brought in some disadvantages. More representation of appropriate international professional organisations within the Council of Europe would therefore be desirable in this matter. The German Federal Association has also given a positive answer as regards this question and said that the AET is a reliable international representative body. The Federal Association has also pointed out that as far as it knows a parallel international organisation, the European Burial Union (E.B.U.), has had consultative status with the Council of Europe for a long time.

Furthermore, it should be noted that the Secretariat's earlier categorical statement that no further co-operation of professional organisations would be necessary after work on the Convention on the Transport of Bodies had been completed (CM(81)120) cannot be appropriate in such a form. Article 8 of the Convention itself implies that the profession will have a continuing interest in information on further developments concerning the Convention. According to Article 8, all parties to the Convention are to give the Secretariat the names of the authorities responsible for international transport of corpses."

The Representative of the United Kingdom said that there was no reason to change her authorities' previous negative attitude on this matter.

Decision

The Deputies decided to grant consultative status to the European Thanatology Association.



5.

EUROPEAN RELIEF PLAN FOR NATURAL DISASTERS  
Written Question No. 236 by Mrs Girard  
(Concl(81)332/22, (CM(81)40 and Add. and 198)

The Representative of Norway said that his delegation's position had not altered since the 332nd meeting of the Deputies (April 1981). In particular, he considered that there was no room for new international institutions on this subject. Norway's policy was to support the United Nations system, in particular UNDR0 which, with the voluntary organisations, met the requirements adequately. Intensifying exclusively European co-operation would lead to overlapping and competition between the different systems of co-operation. In conclusion, Norway continued to be opposed to the two Secretariat proposals in the Addendum to CM(81)40.

The Representative of Austria supported the Secretariat's proposals, and expressed once again his government's interest especially in the proposed exchange of information.

The Representative of the Federal Republic of Germany agreed with the Norwegian standpoint and referred to the statement he had made at the 332nd meeting of the Deputies. He considered that the proposal to convene a meeting of experts should be dropped. He could, however, accept the Secretariat's proposal to seek information from national authorities if it were supported by a majority.

The Representative of France also agreed with his Norwegian colleague.

The Representative of the United Kingdom asked whether the suggestion she had made at the 332nd meeting in regard to the Council of Europe ad hoc Committee on Earthquake Research (CAHRT) would be taken into consideration.

The Secretariat representative said that the information available to the Secretariat about the action taken by member States to implement Resolution (72)6 of the Committee of Ministers on precautions against natural and other disasters and the planning and provision of disaster relief was disparate and incomplete. The Secretariat was consequently unable to provide Mrs. Girard with a full picture of the situation. On the other hand, CAHRT was continuing its work and this should be mentioned in the reply to the Written Question.

The Representative of Switzerland said that the first stage proposed by the Secretariat, namely asking for information about action taken on Resolution (72)6, was perfectly legitimate and understandable. Furthermore this information could be complemented by other elements, eg the work of CAHRT and developments in international agreements on transfrontier co-operation in the event of disasters, which would enable the Secretariat to present a new overall picture of the question. In the light of this, the Deputies could take an informed decision about the present scale of co-ordination in Europe in the event of disasters. In the meantime, there was no reasons why the Deputies or their Chairman should not inform Mrs. Girard of action so far taken on the matter.

### Decisions

#### The Deputies

- i. invited their authorities to forward to the Secretariat by the end of November 1981 information about the measures taken with a view to introducing domestic planning along the lines of the principles set out in Resolution (72)6 on precautions against natural and other disasters and the planning and provision of disaster relief, and, as far as possible, about transfrontier co-operation in this field;
- ii. agreed to resume consideration of this item at a forthcoming meeting in the light of a Secretariat document which will be prepared on the basis in particular of the information referred to under decision (i) above and the suggestions made at the 332nd meeting (item 22) and at the present meeting;
- iii. asked their Chairman to inform the President of the Assembly of the action taken so far on Written Question No. 236 by Mrs. Girard.



6.

PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE  
Written Question No. 238 by Lord Duncan Sandys  
(Concl(81)335/11, CM(81)104)

The Representatives of France, the Federal Republic of Germany and Italy said that their governments had ratified both the 1969 European Convention on the Protection of the Archaeological Heritage and the 1972 UNESCO Convention on the protection of the world cultural and natural heritage.

The Representative of the United Kingdom said her country was a party to the 1969 Convention on the Protection of the Archaeological Heritage and that her authorities agreed with the substance of the UNESCO Convention but were not ratifying it at present for financial reasons.

The Representatives of Belgium and Greece said that their governments had ratified the Convention on the Protection of the Archaeological Heritage and were in the process of ratifying the UNESCO Convention.

The Representative of Norway, referring to the UNESCO Convention of 1972, said that, generally speaking, his authorities were not in favour of the Council of Europe seeking to establish the reasons for member countries' non-ratification of Conventions drawn up by other international organisations. However, they had no objections to such a procedure in this particular case.

With regard to the advisability of drawing up a European Convention on the protection of the architectural heritage, the Representatives of the Federal Republic of Germany and Sweden said that while other work on this subject was in progress, and particularly in view of the existence of the 1975 Amsterdam Declaration, there was no need to consider drafting a new legal instrument.

The Representatives of Italy, Spain, Austria, France and the Netherlands said they were in favour of a study being undertaken of the feasibility and advisability of a European Convention on the protection of the architectural heritage.

In reply to a question from the Chairman, the Director of Environment and Local Authorities said that the financial implications of this study would involve no more than the time spent on it by Secretariat members. The study would be submitted to the Steering Committee for Urban Policy and the Architectural Heritage (CDUP) in April 1982.

#### Decisions

##### The Deputies

i. agreed to invite those governments which have not already done so to inform the Secretariat by 30 November 1981 of their views on the prospects for ratifying:

- the European Convention of 1969 on the Protection of the Archaeological Heritage;
- the UNESCO Convention of 1972 for the Protection of the World Cultural and Natural Heritage;

ii. instructed the Secretariat to make a study on the possibility and desirability of preparing a European Convention on the protection of the architectural heritage, bearing in mind the existence of the UNESCO Convention of 1972 and the prospects for its ratification by the member States of the Council of Europe, and adopted Decision No. CM/240/110981 assigning ad hoc terms of reference to the Steering Committee for Urban Policy and the Architectural Heritage (CDUP), as it appears at Appendix III to these Conclusions;

iii. asked their Chairman to inform the President of the Assembly of decisions (i) and (ii) above.

7.

TRANSMISSION OF ASSEMBLY MEMBERS' CREDENTIALS  
Recommendation 920  
(Concl(81)335/10, CM(81)186)

The Representative of Austria said that the procedure to amend the transmission of Assembly members' credentials as requested by the Assembly in Recommendation 920 was in progress but would not be completed before the end of the year.

The Representative of Portugal proposed two amendments to the draft reply in CM(81)186; these were adopted.

Decision

The Deputies adopted the following reply to Recommendation 920:

"The Committee of Ministers has examined Recommendation 920 on the transmission of Assembly members' credentials and, while recalling that it is for each member State to decide how credentials are to be transmitted to the Assembly, has taken good note of the arguments advanced in the Recommendation.

With regard to those States where the Foreign Ministry is responsible for transmitting credentials, the Parliament nonetheless remains involved in the selection of its delegation to the Assembly, and in most cases the Foreign Ministry merely formalises and forwards the decisions taken by the Parliament itself.

That being said, the Committee of Ministers wishes to inform the Assembly that a number of governments are already considering a change along the lines suggested by the Assembly in the practice followed hitherto in respect of the transmission of credentials."



8.

CASES BROUGHT UNDER THE HUMAN RIGHTS CONVENTION  
Written Question No. 240 by Lord Northfield  
(CM(81)159 and Add.)

The Representative of the Federal Republic of Germany made the following statement:

"The question of speeding up proceedings at the Commission and the Court was raised several times during the exchange of views between the European Commission of Human Rights and the Governments' Agents on Proceedings and led in the past to various changes.

The Committee of Experts for the improvement of procedure will resume discussions in September and take up the question. It may be too early for a forecast since any further improvements in proceedings can hardly be made without alterations to the Convention or to the structure of its organs.

It would mean simplifying things if one made governments responsible for the length of proceedings under the Human Rights Convention since they ask for long periods of time to prepare their replies. The problem in this context is that time limits are very short, even unrealistic, for countries with a federal constitution. Furthermore, the present difficulties must in part be attributed to the workload of the members of the Commission. The Committee of Ministers should in our opinion refrain from making recommendations and should only describe the problem. My authorities think that the Committee of Ministers should not, for the time being, try to make recommendations with regard to the proceedings of the Commission and the Court. Accordingly, we propose adding a final sentence under (e) of CM(81)159 which might be worded as follows:

'There are various reasons for this. General recommendations can therefore not be made; it might be better to leave the Commission and Court to decide in individual cases on the time limits they deem desirable and appropriate'."

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The United Kingdom Representative made the following comments:

to a: her authorities did not feel that long investigations were needed to answer this question;

to b and c: they felt that it would be regrettable for the Committee of Ministers to suggest that the procedures had been brought into disrepute. She added that it was not always advisable to try to speed up proceedings unduly. These were serious matters with far-reaching implications which needed thorough preparation. If those bringing cases had to ask for extensions even though they were wholly familiar with the facts it was understandable that governments also had to ask for extensions. Her authorities would nevertheless to their best to meet the time limits.

The Chairman added that since one of the Commission's aims was to reach a friendly settlement, the time devoted to studying a case could be important.

The Secretariat representative said that the Committee of Experts for the improvement of the procedure would meet at the end of September and would give priority to discussion of matters relating to the delays in cases under the Convention.

Decision

The Deputies agreed to resume consideration of this item at B level at their 338th meeting (October 1981 - A and B levels) on the basis of a draft reply to be prepared by the Secretariat.

9.

CONSCIENTIOUS OBJECTION IN GREECE  
Written Question No. 241 by Mr. Senes  
(CM(81)160 and Add.)

Decision

The Deputies adopted the following reply to Written Question No. 241 by Mr. Senes.

"The Committee of Ministers wishes to comment as follows on the various points raised in Written Question No. 241 by Mr. Senes

- a. Whether the Committee of Ministers can give him information about follow-up in various member States to the work by the Parliamentary Assembly on conscientious objection (Resolution 337 and subsequent texts)

The Committee of Ministers recalls the reply it adopted concerning Recommendation 816 (1977) and Order No. 336 (1977) on the right of conscientious objection to military service, which reads as follows:

'The Committee of Ministers has examined carefully Recommendation 816 (1977) on the right of conscientious objection to military service. As already stated in the reply to Recommendation 478 (1967) on this subject, the Committee of Ministers has noted that several member States have already settled the question of conscientious objection within the framework of their own law in keeping with the majority of the principles included in the Appendix to Recommendation 816 or in Resolution 327 (1967), whilst other States for various reasons could not envisage amending their law in the matter. Furthermore, some States are looking for a solution along the lines traced by these principles ...'.

The Committee of Ministers nevertheless recognises that the question of conscientious objection to military service gives rise to important problems which it has referred to the Steering Committee for Human Rights for consideration. The latter will consider this question in the near future in the light of the legal situation in member States regarding this issue.

- b. Whether the Committee of Ministers considers Greek legislation to be in accordance with Article 4 and Article 9 of the European Convention on Human Rights

The Committee of Ministers recalls the reply it adopted in response to Written Question No. 196 by Mr. Scholten and others on judgments concerning Jehovah's Witnesses by Greek military courts which reads as follows:

'The Committee of Ministers would first like to recall the reply it gave to Written Question No. 184 (Doc. 3794) concerning the same matter. It would also like to stress that it is not one of its functions to give the sort of interpretation of particular articles of the European Convention on Human Rights suggested in Question No. 196, unless it acts as an organ of the Convention.'

Furthermore, since the adoption of Recommendation 816 (1977), a law (No. 731/77) has been adopted amending and supplementing Articles 6 and 54 of Decree ND 720/70 on military call-up and related matters. It provides for the possibility of unarmed military service or training and determines its duration. A decision by the Greek Minister of Defence of 5 August 1980 lays down the conditions and procedure for, and consequences of unarmed military service or training in the application of Decree ND 720/70 as amended by the aforementioned Act."



10.

PROTECTION OF PERSONAL DATARecommendation 890

(Concl(80)318/IV, CM(80)295 Addendum V and CM(81)134)

Decision

The Deputies adopted the following reply to Recommendation 890:

"As stated in the interim reply to Recommendation 890 (Doc.4579), the Committee of Ministers has transmitted Recommendation 890 for opinion to the Steering Committee for Human Rights. Given the various aspects of this problem, and the past and present work of the European Committee for Legal Co-operation in this field, the Committee of Ministers also asked that committee to give an opinion.

The two steering committees, in their respective opinions, agreed that it is not appropriate at the present time to draft a provision on the protection of personal data for incorporation in the European Convention on Human Rights.

The texts of the two opinions, with which the Committee is in agreement, are reproduced below for the Assembly's information.

In transmitting these opinions to the Assembly, the Committee of Ministers hopes that the Convention for the protection of individuals with regard to automatic processing of personal data, opened for signature on 28 January 1981 and so far signed by ten States, will be ratified and applied at the earliest opportunity."

Opinion of the Steering Committee for Human Rights (CDDH)

The Steering Committee noted first of all that the European Court of Human Rights, when considering the right to respect for family life embodied in Article 8 of the Convention, stated that "by proclaiming in paragraph 1 the right to respect for family life, Article 8 signifies firstly that the State cannot interfere with the exercise of that right otherwise than in accordance with the strict conditions set out in paragraph 2.... The object of this Article is 'essentially' that of protecting the individual against arbitrary interference by the public authorities... Nevertheless, it does not merely compel the State to abstain from such interference: in addition to this primarily negative undertaking, there may be positive obligations inherent in an effective 'respect' for family life... As envisaged by Article 8, respect for family life implies in particular, in the Court's view, the existence in domestic law of legal safeguards that render possible as from the moment of birth the child's integration in his family". (Judgment of the Court of 13 June 1979 in the Marckx Case, paragraph 31, sub-paragraphs 5 and 6).

The Steering Committee wished to draw attention to the possibility that a similar interpretation in relation to the right of respect for private life might have implications as regards the provision of safeguards against interference with privacy resulting from the use of automatic processing of personal data.

In addition, irrespective of such an interpretation of Article 8 of the Convention, the Steering Committee noted that the Convention for the protection of individuals with regard to automatic processing of personal data, drawn up in the Council of Europe by a Committee of governmental experts under the authority of the European Committee on Legal Co-operation (CDCJ), was opened for signature by the Council of Europe member States on 28 January 1981. This convention has been signed by Austria, Denmark, France, the Federal Republic of Germany, Luxembourg, Sweden and Turkey (1). Its purpose is to secure in the territory of each Party for every individual, whatever his nationality or residence, respect for his rights and fundamental freedoms and in particular his right to privacy, with regard to automatic processing of personal data relating to him (Article 1).

The Steering Committee also took note of the opinion of the European Committee on Legal Co-operation (CDCJ). This latter body felt that before considering any amendment to Article 8 or 10 of the European Convention on Human Rights, it was preferable to acquire a certain amount of experience in the application of the European Convention for the protection of individuals with regard to automatic processing of personal data.

In view of the foregoing, the Steering Committee is of the opinion that there is no justification at the present time for contemplating the possibility of inserting in the European Convention on Human Rights any specific provision on the protection of personal data by amending Article 8 or Article 10 or by adding a new article to the Convention.

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(1) Note: On 10 September 1981, the following member States of the Council of Europe had signed this Convention : Austria, Denmark, France, the Federal Republic of Germany, Luxembourg, Norway, Portugal, Sweden, Turkey and the United Kingdom.

Opinion of the European Committee on Legal Co-operation (CDCJ)

1. The protection of personal data has been a constant preoccupation of the European Committee on Legal Co-operation (CDCJ) for the past 10 years.

In 1973, on the proposal of the CDCJ, the Committee of Ministers adopted Resolution (73)22 on the protection of the privacy of individuals vis-à-vis electronic data banks in the private sector. This text was complemented by Resolution (74)29 dealing with the public sector.

2. At its 322nd meeting at Deputy level, the Committee of Ministers decided to open for signature by member States on 28 January 1981, the Convention for the protection of individuals with regard to automatic processing of personal data.

3. These texts lay down the basic principles of protection which should serve as a model to member States when devising a system for data protection in their domestic laws.

These principles of a general character can subsequently be adapted and complemented by specific instruments designed to take into account the requirements peculiar to sectors where special aspects of the problem of data protection arise. A draft Recommendation has been adopted by the CDCJ in the sector of medical data banks and work has already begun on records kept for scientific research or statistical purposes.

4. This sectorial approach seems preferable, since the complexity of the subjects dealt with militates in favour of specific regulations rather than a general solution which could be embodied in an article of the European Convention on Human Rights. It is true that States such as Spain and Portugal have introduced principles of protection into their Constitutions but these principles have to be completed by ordinary laws so as to deal with the specific aspects of the problem. The other States possessing legislation in this field (Denmark, France, the Federal Republic of Germany, Luxembourg, Norway and Sweden) have adopted ordinary laws (1). Austria occupies an intermediate position, having passed a very complete and detailed Act, which makes however the article granting the basic right to data protection a part of the Constitution.

5. The CDCJ considers that, before envisaging amendments to Articles 8 or 10 of the European Convention on Human Rights, it would be preferable to gain some experience in the application of the afore-mentioned Convention for the protection of individuals with regard to automatic processing of personal data.

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(1) Note: On 10 September 1981 eight member States had adopted legislation in the field of data protection: Austria, Denmark, France, Federal Republic of Germany, Iceland, Luxembourg, Norway and Sweden.



11.

ACCES TO INFORMATION  
Draft Recommendation

(Concl(81)335/14, Add. II to CM(81)134 and 183)

The Representative of Austria wondered whether, in view of the importance of this Recommendation, it could not be adopted by the Committee of Ministers at its 69th session.

The Representative of Spain said that freedom of information was written into the Spanish constitution but that the law regulating persons' access to administrative documents had not yet been enacted. While his opinion in respect of the draft recommendation was positive, the Spanish Parliament must remain sovereign, when debating its own legislation, to decide the extent to which it would follow the principles set out in the Appendix to the Resolution.

At this Representative's request, the word "possible" was added (in the French text) to the penultimate paragraph of the preamble to the Recommendation, after "l'accès le plus large", and "but" was replaced by "objectif" (French text only) in the final sentence of paragraph 20. of the explanatory report.

The Representative of the United Kingdom said, referring to item VIII of the Appendix to the Recommendation, that she preferred the initial drafting in CM(81)134: "Any refusal of information shall be subject to review on request." The amendment, which did not affect the French text, was accepted.

As regards paragraph 22 of the explanatory report, she asked that the original text (CM(81)134) be either restored or replaced by the following: "This principle is aimed at making any refusal to supply information understandable to the applicant by providing that he should be given the reasons on which the refusal was based."

Lastly, she requested that the original English text of paragraph 23 of the explanatory report be restored, namely: "This principle reflects the concept that any administrative decision should be open to review. Such review...(etc)."

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The Representative of Ireland agreed with the Recommendation and had no objection to its being adopted at ministerial level. He stated his authorities' understanding of the Recommendation which was acceptable to them on that basis. In this context he noted that the Recommendation did not give an unlimited right of access to information. Principle V was a very important principle and provided for a number of limitations and restrictions for the protection of legitimate public interests, such as national security, public safety, public order, the economic well-being of the country, the prevention of crime, and also for preventing the disclosure of information received in confidence and for the protection of private life and other legitimate private interests. He appreciated that the recommendation had, of necessity, been drafted in general rather than in precise terms. It was his authorities' understanding accordingly that its application might vary according to the circumstance. In this regard it was his authorities' understanding that the reference in principle V to the specific interest of an individual in information held by the public authorities was intended to indicate that if information related to the individual requesting it the public authorities should specifically take that factor into account when considering the request.

A vote on the draft recommendation as amended, produced the following results: 17 for, 0 against, 1 abstention.

The Representative of Spain proposed that once the Recommendation was adopted, a reply should be sent to the Assembly to Recommendation 854 on access by the public to government records and freedom of information.

Decisions

The Deputies

- i. agreed on the text of draft Recommendation R(81)... on Access to Information held by Public Authorities, as it appears in CM(81)219;
- ii. agreed to consider the question of the level at which this text is to be adopted (their own or ministerial level) in the framework of the preparation of the 69th Session of the Committee of Ministers (September 1981 - A level).

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12.

AD HOC COMMITTEE OF EXPERTS TO EXCHANGE VIEWS ON  
THE RIGHT TO DEVELOPMENT (CAHDD)  
(CM(81)182)

Decision

The Deputies agreed to postpone consideration of this item until their 337th meeting (September 1981 - A level) (see item 1 above).





13.

AD HOC COMMITTEE OF EXPERTS FOR THE PROTECTION OF ANIMALS  
(CAHPA)  
Report of the 9th meeting  
(Strasbourg, 12-15 May 1981)  
(CM(81)138)

The Representative of the Federal Republic of Germany made the following statement:

"The German delegation favours the proposals both of the ad hoc Committee of Experts for the Protection of Animals (CAHPA) in CM(81)138 and of the Secretariat in the Notes on the Agenda.

As the Secretary General of the Council of Europe has already been informed, the international transport of live horses for slaughter has led to considerable protest from a wide cross-section of the public. In connection with the transport of live horses for slaughter from Poland through the Federal Republic to France, citizens, animal protection societies, members of Parliament and the media in the Federal Republic of Germany have protested that the animals have been subjected to suffering or injury as a result of excessive periods spent in transport, the means of transport being inadequately fitted-out, of lack of attention during transport and insufficient food and drink.

As an example, according to the documents available here, nearly 40,000 horses were transported for slaughter from the People's Republic of Poland via the Federal Republic of Germany to France in 1980. About 30,000 were transported by road and 10,000 by rail.

The Federal Republic of Germany, as a contracting party to the European Convention for the Protection of Animals, is obliged to apply the rulings of this Convention in the case of international transport in order to ensure that the requirements in international transport of animals are not counter to the animals' well-being and that they are protected from undue suffering during transport.

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Experience has, however, shown that even when the stipulations laid down in Articles 6 to 24 of the Convention are thoroughly applied, it is doubtful, in the case of protracted transport over great distances, whether the view expressed in the preamble to the Convention that animals should be protected from undue suffering during transport can still be upheld, simply because the protracted period spent in transport affects the animals' well-being to such a great extent. (For technical reasons, the duration of transport from loading at the place of origin to unloading in the slaughter-yard at destination usually covers several days in the case of horses being exported from East European countries to France.)

For this reason, it seems necessary for the parties to the Convention, in conjunction with the exporting countries which are not parties to the Convention, to seek an improved solution at European level, in conformity with standards of animal protection. The transport of live horses for slaughter over great distances is not absolutely essential; the transport of freshly-chilled horse-meat by suitable means from the country of origin to its destination would provide an alternative solution.

The Council of Europe's decision to take up this problem on the initiative of the Federal Republic of Germany is welcome. There will, therefore, be strong support if the Committee of Ministers decides in favour of setting up an ad hoc committee of experts on the international transport of animals and if both representatives of the EEC Commission and observers from the exporting countries which are not parties to the Convention are admitted."

The Representative of France was in favour of a special meeting of experts provided that the relevant expenses were met from the Council of Europe budget. To this end he proposed that the envisaged meeting be held in 1982. Following a sounding on this matter, the Representative of France withdrew his proposal.

In summing up, the Chairman noted it had been stated that the value of the meeting of experts proposed by the ad hoc Committee of Experts for the Protection of Animals (CAHPA) in CM(81)138 depended to a great extent on the presence of an observer from Poland. The Committee had therefore agreed that the Secretary General should be authorised, as an exceptional measure with it being understood that the authorisation could not be invoked as a precedent in the future, to meet the travel and subsistence expenses of a Polish observer from the Council of Europe budget if this proved to be necessary to secure the attendance of such an observer. However, an offer should be made to meet these expenses only if the Polish authorities intimated that they would like them to be paid by the Council of Europe.

Decisions

The Deputies

i. decided to convene a special meeting of experts along the lines proposed by the ad hoc Committee of Experts for the Protection of Animals (CAHPA) in CM(81)138;

ii. adopted Decision No. CM/241/110981 establishing the specific terms of reference of the ad Hoc Committee of Experts on the International Transport of Animals (CAHTA), as it appears at Appendix IV to these Conclusions;



14.

EUROPEAN PUBLIC HEALTH COMMITTEE (CDSP)  
Report of the 9th meeting  
(Strasbourg, 29 June-2 July 1981)  
(CM(81)184)

Ref. decision (i) below

(amendments to the name and terms of reference of the CDSP)

In reply to a question by the Representative of Italy, the Secretariat representative said that the present title of the steering committee laid stress on the concept of public health, which implied involvement by public authorities that was confined in particular to the prevention of infectious diseases. Consequently, having regard to the new specific terms of reference proposed by the steering committee, which were based on a broader concept, it seemed desirable to delete the limitative concept "public" from the title of the committee.

The representative of Plan and Programme Division added that it would not be necessary to change the letter code of the committee as a result; the present letter code was well known in the professional circles concerned.

The Representative of Switzerland said that although he foresaw no major obstacles to the adoption of the amendments proposed by the European Public Health Committee (CDSP) to its name and terms of reference, his authorities would like to examine the proposal in detail, mainly in relation to the provisions of Resolution (76)3; he would therefore be grateful to the Committee for deferment of a decision on the matter until the Deputies' next meeting at B level (October 1981, A and B levels).

The Representative of the United Kingdom said that her authorities were anxious to avoid duplication of the activities of the CDSP with those of the Pompidou Group.

Ref. decision (v) below

At the request of the Chairman, the Director of Economic and Social Affairs presented CM(81)216, referring to an invitation from the Canadian Government to hold the 5th meeting of the Committee of Experts on Blood Transfusion and Immunohaematology (SP-HM) in Ottawa in May 1982.

Observing that there was a consensus in favour of the proposals, the Chairman asked the Secretariat to transmit to the Canadian authorities the Committee's thanks for the invitation and financial support accompanying it.

Decisions

The Deputies

- i. agreed to postpone consideration of the proposed amendments to the CDSP's title and specific terms of reference (CM(81)184, paragraph 8 and Appendix III) to their next B level meeting (338th meeting - October 1981 - A and B levels);
- ii. authorised the publication of the report of the 1980 Programme of Co-ordinated Research in Blood Transfusion on "The assessment of the risks of transmitting infectious diseases in the international transfer of blood, its components and derivatives" (document SP-HM(81)12) and the report of the 1980 Co-ordinated Medical Research Programme on "Rôle and training of auxiliary dental personnel in the member States of the Council of Europe and in Finland" (CDSP(81)1 and Addendum) (cf. CM(81)184, paragraph 38(i));
- iii. adopted Recommendation No. R(81)14 on preventing the transmission of infectious diseases resulting from the international transfer of blood, its components and derivatives, as it appears at Appendix V to these Conclusions;
- iv. approved the proposal to widen the membership of the Select Committee of Experts on Hospital Infections (SP-R-PI) with the addition of an expert in clinical pharmacology (Italy) whose expenses would be borne by the Council of Europe (cf. CM(81)184, paragraph 41);
- v. gave their consent to the convening of the 5th meeting of the Committee of Experts on Blood Transfusion and Immunohaematology (SP-HM) in Ottawa (17-21 May 1982), it being understood that this decision would not entail any additional expense for the Council of Europe;
- vi. taking into account decisions (i) to (v) above, took note of the report of the 9th meeting of the CDSP as a whole (CM(81)184).

15.

TREATMENT AND RESOCIALISATION OF DRUG DEPENDENTS

Draft Recommendation

(Concl(81)329/7, CM(80)197, Addendum 3)

Decision

The Deputies agreed to extend to December 1981 the completion date of the ad hoc terms of reference assigned to the European Public Health Committee (CDSP) by Decision No. CM/220/110281 (re-examination of the draft Recommendation concerning the treatment and resocialisation of drug dependents (Addendum 3 to CM(80)197)).





16.

PUBLIC HEALTH COMMITTEE  
PARTIAL AGREEMENT (CD-P-SP)

a.

Report of the 8th Session  
(Strasbourg, 7-9 April 1981)  
(CD-P-SP(81)7)

The Representative of Ireland, referring to the draft resolution on warning phrases for certain categories of medicaments (contained in the Addendum to the report CD-P-SP(81)7), proposed to amend warning phrases Nos. 3 and 4 (corresponding to hexachlorophane and boric acid) by substituting "children under three years of age" for "young children". In this way the text would be brought into line with similar EEC regulations.

The Representative of Austria expressed his agreement with the view of the Representative of Ireland, underlining the usefulness of setting a precise age limit.

The Director of Economic and Social Affairs observed that, in view of the technical character of the proposed amendment, it would be advisable to wait until other delegations had time to consult their experts on the point raised. He therefore proposed that the sub-item be adjourned to a future meeting.

Decisions

The Deputies

- i. agreed to resume consideration of the draft resolution AP(81)... on warning phrases for certain categories of medicaments (Addendum to CD-P-SP(81)7) at B level at their 338th meeting (October 1981 - A and B levels);
- ii. noted the publication of the Addendum to the booklet "Cosmetic Products and their Ingredients" in P-SG(81)7 (cf. item 5.1.1 of document CD-P-SP(81)7);

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iii. noted that the Public Health Committee (CD-P-SP) had referred the matter of clinical trials (including the report and the draft resolution) to the Committee of Experts on Human Clinical Pharmacology (P-SP-CH) for reconsideration of the whole issue in the light of the changes made by the CD-P-SP, the proposals of the Committee of Experts on Legal problems in the medical field (CJ-ME), the observations made by the Committee of Ministers at the 332nd and 329th meetings and any other proposals for amendments already put forward (cf. items 10.2 and 1 of CD-P-SP(81)7);

iv. noted that the CD-P-SP had adopted the text of the booklet "Neonatal mass screening for metabolic disorders" (cf. item 11.3.1.1 of CD-P-SP(81)7, referring to Appendix B to record CD-P-SP(80)43 and Corrigenda thereto of 12 and 16 February 1981);

v. taking into account decisions (i) to (iv) above, took note of the report (CD-P-SP(81)7 and Addendum) of the 8th Session of the CD-P-SP as a whole.

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b.

Report of the 9th Session  
Strasbourg, 1 July 1981)  
(CD-P-SP(81)27)

Decision

The Deputies agreed to postpone consideration of this item until their 338th meeting (October 1981 - for consideration at B level) (see item 1 above).



17.

AD HOC COMMITTEE OF SENIOR OFFICIALS  
RESPONSIBLE FOR THE PREPARATION OF THE CONFERENCE  
OF EUROPEAN MINISTERS RESPONSIBLE FOR PUBLIC HEALTH (MSP-HF)  
Report of the 3rd meeting  
(Strasbourg, 2-4 July 1981)  
(Concl(81)335/38i, CM(81)194)

The Representative of France agreed to the participation of the Assembly at the Conference of European Ministers responsible for Public Health, to be held in Madrid on 22-24 September 1981. He told the Committee, however, that the French authorities would prefer maintaining the status quo ante as far as Assembly participation in conferences of specialised ministers was concerned.

Decisions

The Deputies

- i. took note of the conclusions of the ad hoc Committee of Senior Officials concerning the arrangements for the participation of an Assembly delegation in the Conference of European Ministers responsible for Public Health to be held in Madrid from 22-24 September 1981 (cf. CM(81)194, item 4);
- ii. took note of the report of the 3rd meeting of the ad hoc Committee of Senior Officials as a whole (CM(81)194).



18.

STEERING COMMITTEE ON INTRA EUROPEAN MIGRATION (CDMG)  
Report of the 4th meeting  
(Strasbourg, 19-22 May 1981)  
(CM(81)180 and Add.)

The Representative of France informed the Committee that the French Parliament was considering the possibility of the European Convention on the Legal Status of Migrant Workers being signed.

The Representative of the Federal Republic of Germany made the following statement concerning document CM(81)180 and Add.:

"Paragraph 9: My authorities think that all countries should make an effort to co-ordinate the various activities of the CDMG in its different aspects at home. We are making every effort to co-ordinate in Bonn, and think that such action should not take place in Strasbourg - with all the additional expense involved. We feel that when budgetary means are so restricted one delegate should be sufficient.

Paragraph 24: We have taken note of these planning guidelines, but wish to make clear that they have nothing to do with the terms of reference of the steering committee. I refer to the statements made by this delegation at the 331st meeting (Concl(81)331/8, pages 25 and 29). We continue to be of the opinion that there should be close contacts between CDDH and CDMG in this field.

My authorities are not prepared to follow the opinion of the CDMG as set out at Appendix I to the Addendum to CM(81)180.

As regards Appendix II to the Addendum, we cannot approve the text as our delegate has already made known in the committee."

The Representative of Sweden recalled that the CDMG had been given ad hoc terms of reference to examine the conclusions of the first Ministerial Conference and to make proposals for follow-up action. That paper therefore had been prepared by the Swedish member of the CDMG in conformity with the Committee of Minister's decisions.

The Director of Economic and Social Affairs referred to the fact that the problem of co-ordination between the CDCC and the CDMG had been the object of a joint meeting held between the bureaux of the two committees and suggested that the matter be examined at the Deputies 337th meeting in the framework of the discussion on the CDCC's latest report.

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The Representative of the Netherlands was in favour of maintaining the previous arrangements for the membership of the Committee, ie two experts for each member State whose travel and subsistence expenses would be met from the Council of Europe budget.

#### Decisions

The Deputies

- i. noted that the CDMG has executed item (i) of Decision No. CM/177/240180 (securing wider acceptance of the European Convention on the Legal Status of Migrant Workers) and Decision No. CM/197/110680 (Recommendation 893 on poverty in Europe) (see Appendices I and II to the Addendum to CM(81)180);
- ii. took note of the final activity report on the 1980 vocational training grants programme (see Appendix IV to the Addendum to CM(81)180);
- iii. approved the regulations governing collective grants to student instructors and individual vocational training grants (see Appendix V to the Addendum to CM(81)180);
- iv. adopted Decision No. CM/239/100981 on the admission of UNESCO, as it appears at Appendix VI to these Conclusions (cf. CM(81)180, paragraph 63);
- v. having regard to decisions (i) to (iv) above, took note of the report of the 4th meeting of the CDMG as a whole (CM(81)180 and Addendum).



19.

STEERING COMMITTEE ON POPULATION (CDDE)  
Report of the 1st meeting  
(Strasbourg, 10-12 June 1981)  
(CM(81)176 and Add.)

In connection with the possibility of arranging a meeting of city planners from the cities selected as case studies in connection with Activity 8.0.2 on the population of urban areas (see decision (iii) below), the Representatives of France and Italy enquired about how such a meeting would be financed.

The Representative of Switzerland asked the Secretariat to ensure that such a meeting would not entail any overlapping with the work of the Steering Committee for Urban Policy and the Architectural Heritage (CDUP).

The Deputy Director of Economic and Social Affairs pointed out that all the Secretariat intended to do at present was to discuss the possibilities with the secretariat of the Conference of Local and Regional Authorities of Europe (CLRAE) which would be responsible for arranging such a meeting. If it emerged from these consultations that a meeting would be useful, appropriate proposals would then be submitted to the Committee of Ministers. He further recalled that, far from there being any risk of overlapping, Activity 8.0.2 had been conceived from the first as a contribution to the Campaign for Urban Renaissance, and it had been carried out in close collaboration with the secretariat of the Campaign.

The Chairman noted that decision (iii) below merely gave the Secretariat a mandate to carry out an investigation of the possibilities. This did not in any way imply a commitment on the part of the Committee of Ministers to provide the funds necessary to finance a meeting of city planners should such a proposal be made in due course.

Decisions

The Deputies

- i. took note of the final activity report on Activity 8.0.2 on the structure and composition of the population of urban areas with special reference to inner city areas (Addendum to CM(81)176);

ii. instructed the Secretariat to forward the CDDE's conclusions on the structure and composition of the population of urban areas in Europe as they appear at Appendix II to the Addendum to CM(81)176 for information to:

- the Assembly;
- the Conference of Local and Regional Authorities of Europe (CLRAE);
- the Steering Committee on Intra-European Migration (CDMG);
- the Steering Committee for Social Affairs (CDSO);
- the Steering Committee for Regional Planning (CDAT);
- the Steering Committee for Urban Policy and the Architectural Heritage (CDUP);
- the Steering Committee for Regional and Municipal Matters (CDRM);
- the Organising Committee for the European Campaign for Urban Renaissance (CAHRU);

iii. instructed the Secretariat to investigate the possibility of arranging a meeting of city planners from the cities selected as case studies in connection with Activity 8.0.2 on the population of urban areas (see CM(81)176, paragraph 18);

iv. taking into account decisions (i)-(iii) above, took note of the report of the 1st meeting of the CDDE as a whole (CM(81)176 and Addendum).

20.

POVERTY IN EUROPE  
Recommendation 893  
(CM(81)195)

Decisions

The Deputies

- i. agreed to transmit Recommendation 893 to the organs of the Resettlement Fund;
- ii. adopted the following reply to Recommendation 893:

"The Committee of Ministers has examined Assembly Recommendation 893 on poverty in Europe in the light of the opinions given by the Steering Committee for Social Affairs (CDSO), the Steering Committee for Social Security (CDSS), the Council for Cultural Co-operation (CDCC), the Steering Committee for Intra-European Migration (CDMG) and the European Committee on Legal Co-operation (CDCJ). It has the following observations to make on the contents of the Recommendation:

The Committee of Ministers shares the Assembly's desire to devise the most effective means to combat poverty in the years to come and considers that in the present economic situation there is renewed cause for concern about poverty. The same concern is borne out by the work of the Commission of European Communities as well as by studies by the Organisation for Economic Co-operation and Development (OECD) and the International Labour Organisation (ILO).

The following observations apply to the various paragraphs of the operative part of Recommendation 893:

Paragraph 7.I(i)

The Steering Committee for Social Affairs (CDSO) will bear in mind the Assembly's proposal as regards the possibility of defining poverty in Europe, taking into account the current studies by the Commission of the European Communities and by other bodies.

Paragraph 7.I(ii)

It is to be noted that the co-ordination of work of government and local authorities in dealing with the cumulative effects of poverty on children is not equally incumbent on the governments of all member States since constitutional responsibilities differ widely in this area. Furthermore, whereas the effects of poverty on children are certainly of prior importance, other aspects are also worthy of attention. For these reasons the Committee of Ministers does not consider it appropriate to take specific action on this paragraph.

Paragraph 7.I(iii)

As for the Assembly's proposal set out in this paragraph, guaranteeing an acceptable minimum income level or equivalent benefits is the policy goal of all governments. However, it appears that standard measures aimed at the implementation of the political objectives would be difficult in view of different approaches and the present economic constraints.

Paragraph 7.I(iv)

The Committee of Ministers has transmitted this Recommendation to the organs of the Resettlement Fund which is already devoting a major proportion of its resources to contributing to the search for solutions to the housing problems in member States. In this context the Committee of Ministers appends to this reply Resolution 483 of the Administrative Council of the Fund (1).

Paragraph 7.I(v)

The Committee of Ministers recalls that the problem of access to justice for the poorer sections of the population has been the subject of various Council of Europe instruments. Resolution (76)5 of the Committee of Ministers on legal aid in civil, commercial and administrative matters recommends to governments of the member States to accord, under the same conditions as to nationals, legal aid in civil, commercial and administrative matters irrespective of the nature of the tribunal exercising jurisdiction to natural persons, nationals of another member State and to all other natural persons who have their habitual residence in the territory of the State where the proceedings take place. Reference should also be made to the European Agreement on the Transmission of Applications for Legal Aid, designed with a view to easing the task of persons wishing to apply for legal aid in another member State, which was opened for signature by member States on 27 January 1977. This Agreement entered into force on 28 February 1977 and so far Belgium, Denmark, France, Greece, Luxembourg, Norway, Sweden and the United Kingdom have become Contracting Parties. It has also been signed with reservation in respect of ratification by Austria, Italy, Portugal and Turkey.

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(1) This Resolution concerns the presentation, approval, selection and financing of projects to be financed by the Resettlement Fund.

The Committee of Ministers' Resolution (78)8 on legal aid and advice is designed to ensure that no one is prevented by economic obstacles from exercising and defending his rights before any court dealing with civil, commercial, administrative, social or fiscal matters.

Finally, the Committee of Ministers, at its 68th Session in May 1981, adopted Recommendation No. R(81)7 on measures facilitating access to justice. This Recommendation deals with information for the public, simplification and speeding-up of proceedings, legal costs and certain special procedures.

Paragraph 7.I(vi)

The Assembly's proposal to grant certain allowances automatically raises a number of problems. In the opinion of the Committee of Ministers it would be preferable to provide for certain allowances to be obtained as of right by means of procedures which should naturally be neither too complex in administration terms nor humiliating for the claimant.

Paragraph 7.II(vii)

The Committee of Ministers shares the Assembly's concern for the purpose of overcoming ignorance and prejudice in respect of poor people, and wishes to point out that the overcoming of these is an aim shared by all governments.

Paragraph 7.II(viii)

The desirability of adding new clauses to certain Council of Europe instruments as well as the idea of incorporating certain economic and social rights in the European Convention on Human Rights and the European Social Charter is at present being studied by the steering committees concerned. However, the many legal, technical and political aspects of these proposals make it impossible at this stage to answer the Assembly until their implications have been studied in detail.

Paragraph 7.II(ix)

The Committee of Ministers wishes to point out that throughout the 1980s the Council for Cultural Co-operation (CDCC) will pursue policies in order to ensure the right to education and the right to culture without any discrimination as regards age, sex and the social profession or economic situation.

The problem of underprivileged groups, in both urban and rural areas, has been one of the principal concerns of the CDCC in carrying out its Project No. 3 on 'The development of adult education'. As regards the proposed 'Programme to eradicate illiteracy in the member States' the CDCC is currently studying the possibility of launching as from 1982 a new project on primary education in which the problem of communication and illiteracy would be considered.

Furthermore, the Committee of Ministers recalls that it has adopted Resolution (70)35 on the education of migrant workers' children and Resolution (76)11 on equal treatment for national and migrant workers with regard to vocational guidance, training and retraining.

Paragraph 7.II(x) - (xii)

The Committee of Ministers stresses the importance it attaches to the reduction of inequalities and considers it as a constant pre-occupation of the governments of all member States. It firmly believes that no effort should be spared in order to stimulate and facilitate the social and political integration of disadvantaged groups in society and their participation in the democratic process.

In this context, the Committee of Ministers wishes to point out that the question of political and civil rights of foreigners is at present being considered by the Steering Committee for Human Rights (CDDH) and the Steering Committee for Regional and Municipal Matters (CDRM).

In conclusion, the Committee of Ministers reiterates the view that it shares the Assembly's concern for the matters raised in Recommendation 893 and re-affirms its conviction that all efforts should be deployed with a view to combating poverty in European society."

APPENDIX

Resolution 483 (1981)

adopted by the Administrative Council  
of the Resettlement Fund  
on 27 March 1981

The Administrative Council,

Having regard to Articles II and X, Section 5, of the Resettlement Fund's Articles of Agreement,

Having regard to Resolutions 6 and 7 (1956) of the Governing Body concerning opinions on admissibility,

Having regard to Resolution 354 of the Administrative Council,

Having regard to the Governing Body's request that it evaluate the application of this Resolution,

Having regard to Resolution 149 of the Governing Body concerning the Resettlement Fund's capacity to contribute to a policy of balanced development in Europe,

Recalling the Governing Body's decision adopted at its 74th meeting concerning the assessment of the social benefits of the projects financed by the Resettlement Fund,

Considering that there is a problem in balancing the Fund's own resources against the amounts required for projects submitted and approved,

Considering, therefore, that it is advisable to determine specific fields of action as a basis for selection of projects to be financed,

Considering, furthermore, that it is necessary to maintain a balance between the Fund's various fields of action when new loan applications are made,

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Resolves

To repeal Section I of Resolution 354 and adopt the following in substitution thereof:

- With regard to the submission of projects by member States and their approval by the Administrative Council, the selection and funding of projects are to be guided by the following criteria:
  - A. Absolute priority should be given to projects designed to counteract the effects of such exceptional events as natural disasters and influxes of refugees;
  - B. The Fund's other specific fields of action should be defined as follows:
    - a. the reduction of unemployment by the creation or preservation of permanent jobs;
    - b. vocational training: the establishment of vocational training and retraining centres for young people, workers and, when appropriate, middle-management administrative staff;
    - c. the creation of infrastructures (for example, communications networks, water, electricity or gas supplies) to facilitate industrialisation in development areas or regions defined as such by the central authorities of the country in question;
    - d. the development of regions or areas which are declining or which are economically and socially disadvantaged, not excluding aid to tourist industries in these regions, ie:
      - schemes to curb or prevent rural depopulation or urban concentration,
      - creation of hostels and reception centres for refugees and migrant workers,
      - rehousing of low income groups,
      - slum clearance, urban renewal for social purposes,
      - construction of housing in connection with the establishment or development of industrial areas.



For projects not covered by these specific fields of action, but which are nevertheless in conformity with the Resettlement Fund's Articles of Agreement, countries will give the special reasons for their submission:

- In selecting loan applications, member States are invited to endeavour:
  - i. to strike a reasonable balance between the various fields of action, and to keep the number of loan applications at a level compatible with the Fund's financial means;
  - ii. to give preference to projects for regions and areas which have been statutorily declared underdeveloped or which are regarded as such by the national authorities of the country in question;
- The Administrative Council, for its part, when approving projects will ensure that the reasonable balance between fields of action (B) referred to in paragraph (i) above will be maintained. Specifically it will ensure for this purpose that no one field of action achieves a dominant position taking precedence over all the other fields of action together;
- C. With regard to the funding of approved projects, to allocate priority on the basis of the following considerations:
  - i. absolute priority should be given to projects designed to counteract the effects of exceptional events such as natural disasters and influxes of refugees;
  - ii. in the case of projects submitted by different States, account should be taken not of the chronological order in which the projects were submitted and adopted, but of the following factors taken together: urgency; per capita income in the recipient State; and the need to maintain an adequate balance between applicant States;
  - iii. when one State submits several projects, the ultimate decision on priorities should be left to that State, although it should be invited to observe the guidelines set forth in B(i) and (ii).



21.

FUTURE OF SMALL- AND MEDIUM- SIZED BUSINESSES IN EUROPE  
Written Question No. 242 by Mr. Vohrer  
(CM(81)140 and Addendum)

The Representative of Italy referred to the position of her authorities and stressed the importance of the contribution of small- and medium-sized business (SMBs) to economic and social progress and the creation of jobs. By virtue of their size they could adapt more quickly and were being less hard-hit by the present difficulties; practical and legal measures could help them. She thought the Council of Europe might do something in this field without risk of duplication; other international organisations did not handle these questions. She was aware that setting up an ad hoc committee of government experts to investigate the problem would be more than could be expected but she thought the Council of Europe absolutely must do something in this field.

The Representatives of the Federal Republic of Germany and Greece agreed.

The Representative of the United Kingdom said her authorities were of the opinion that some of the problems encountered by SMBs, particularly where state tax policies were concerned, should be handled nationally and not internationally.

The Representative of Sweden said that although his authorities still did not want the Council of Europe to take any special action in this field, suggested that the reply to Written Question No. 242 be phrased as positively as possible.

The Representatives of Switzerland, France and Austria agreed.

The Representative of Austria added that the proposals in Recommendation 895 should be borne in mind so that they could be implemented when the time came.

Decisions

The Deputies

- i. instructed the Secretariat to prepare a draft reply to Written Question No. 242 by Mr. Vohrer in the light of the discussions at the present meeting;
- ii. agreed to resume consideration of this item at B level at their 338th meeting (October 1981 - A and B levels).



22.

PROTECTION OF WORKERS IN THE EVENT OF EMPLOYERS' INSOLVENCY  
Recommendation 919  
(Concl(81)334/6a)

The Representative of Norway said his government had no objection to the proposal to consider extending to all 21 member States of the Council of Europe the principles in the EEC Directive on the protection of employees in the event of the insolvency of their employer, as suggested by the Assembly in Recommendation 919. Norwegian legislation already covered such situations and indeed went beyond the provisions put forward at Community level.

This view was supported by the Representative of Sweden, who also referred to existing legislation in his country. He mentioned a possibility of co-operation between the Nordic countries in the matter but thought this would not interfere with any effort of the Council of Europe.

The Representative of Austria was in favour of consulting the steering committees, as suggested by the Secretariat.

The Representative of Switzerland said his government's attitude would depend upon the unemployment bill then being discussed by the Federal Parliament, but he agreed to the consultation of the Steering Committee for Social Affairs (CDSO) and the European Committee on Legal Co-operation (CDCJ).

In reply to a question by the Representatives of Sweden and the United Kingdom, the representative of the Secretariat said it would be appropriate to consult the CDCJ because there were already two committees of experts dealing with the problems of bankruptcy and the rights of creditors, which could include the more purely legal questions arising out of Recommendation 919 but not, at that point, the problems of financing to which that text referred.

The Representatives of Sweden and the United Kingdom thought that the first opinion to be sought on the Recommendation should be that of the Steering Committee for Social Security (CDSS).

The Director of Economic and Social Affairs observed that at present it would be better to ask the CDSO to give its views on the matter.

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Decisions

The Deputies

i. adopted Decision No. CM/242/110981 assigning ad hoc terms of reference to the Steering Committee for Social Affairs (CDSO) and to the European Committee on Legal Co-operation (CDCJ), as it appears at Appendix VII to these Conclusions;

ii. adopted the following interim reply to Recommendation 919:

"The Committee of Ministers has examined Assembly Recommendation 919 on the protection of workers in the event of employers' insolvency and has decided to consult its competent subordinate committee on the questions raised in the Assembly text. It has therefore transmitted Recommendation 919 to the Steering Committee for Social Affairs and to the European Committee on Legal Co-operation. As soon as it has the opinion of these two committees, the Committee of Ministers will inform the Assembly of the follow-up action to be taken on Recommendation 919."

23.

NUCLEAR ENERGY AND REPLY TO THE 8TH ACTIVITY REPORT OF  
THE OECD NUCLEAR ENERGY AGENCY  
Recommendation 912  
(Concl(81)335/22, CM(81)130)

Decision

The Deputies adopted the following reply to Assembly Recommendation 912:

"The Committee of Ministers has examined Recommendation 912 on nuclear energy and reply to the 8th activity report of the OECD Nuclear Energy Agency.

The Committee of Ministers is of the opinion that a maximum degree of international co-operation is necessary to pursue policies aimed at developing energy resources. The work accomplished in this context by the International Energy Agency (IEA) and the Nuclear Energy Agency (NEA) of the Organisation for Economic Co-operation and Development (OECD) is particularly valuable and has given good results.

The Committee of Ministers wishes to point out that the available energy resources, as well as security of supply over the long term, are matters of concern not only to member States of the Council of Europe but to all members of the IEA and NEA.

The Committee of Ministers agrees with the Assembly on the importance of the Non-Proliferation Treaty (NPT) and of other similar international treaties and agreements, and that the role of the International Atomic Energy Agency (IAEA) in this context should be supported."





24.

SOCIAL SITUATION OF PRISONERS  
Recommendation 914  
(Concl(81)335/23, CM(81)146)

Decision

The Deputies adopted the following reply to Assembly Recommendation 914:

"1. The Committee of Ministers, having examined Assembly Recommendation 914 (1981) on the social situation of prisoners, wishes to point out first and foremost that the treatment and situation of prisoners in member States is a question of great importance, particularly as regards striking a balance between respect for the fundamental rights of detained persons and the requirements of democratic society. In this connection it draws special attention to its Resolution (73)5 on standard minimum rules for the treatment of prisoners and to the following list of Resolutions:

- Resolution (62)2 on electoral, civil and social rights of prisoners
- Resolution (65)1 on suspended sentence, probation and other alternatives to imprisonment
- Resolution (66)25 on short-term treatment of young offenders of less than 21 years
- Resolution (66)26 on status, recruitment and training of prison staff
- Resolution (67)5 on research on prisoners considered from the individual angle and on the prison community
- Resolution (68)24 on status, selection and training of governing grades of staff of penal establishments
- Resolution (70)1 on practical organisation of measures for the supervision and aftercare of conditionally sentenced or conditionally released offenders
- Resolution (73)6 on the penal aspects of drug abuse (especially part E)
- Resolution (73)17 on the short-term treatment of adult offenders

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- Resolution (73)24 on group and community work with offenders
- Resolution (75)25 on prison labour
- Resolution (76)2 on the treatment of long-term prisoners
- Resolution (76)10 on certain alternative penal measures to imprisonment.

2. A careful examination of Assembly Recommendation 914 shows that a great many of the proposals contained therein have already been dealt with in the above-mentioned Resolutions of the Committee of Ministers and that no further action seems necessary.

3. The Committee of Ministers further points out that the European Committee on Crime Problems (CDPC) is also currently engaged in work on:

- dangerous offenders
- foreign nationals in prison
- prison leave and prison regimes
- prison management,

and that these activities, which correspond to a considerable extent to the Assembly's concerns, will reach completion within the foreseeable future.

4. Lastly, attention is drawn to the fact that the European Committee on Crime Problems has recently set up a select committee of experts on co-operation in prison matters with the following terms of reference:

'to follow the development of European prison systems, ensure the effectiveness of the standard minimum rules for the treatment of prisoners and make proposals designed to improve their practical application in Europe (with an eye also to their future revision)'.  
'

The revision of the standard minimum rules for the treatment of prisoners, which date from 1973, is one of the projects which the CDPC intends to include fairly shortly in its programme of activities.

5. In view of the foregoing, the Committee of Ministers has communicated Recommendation 914 (1981) to the CDPC to enable it to draw upon its contents in its future work.

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6. With regard to Part VI of Recommendation 914 (social security), a subject which falls outside the competence of the CDPC, the Committee of Ministers has asked the Steering Committee for Social Security (CDSS) for its opinion on the matter. The Assembly will be informed of action taken on this part of the Recommendation once the Committee of Ministers has received the opinion concerned."



25.

SCIENCE AND THE FUTURE OF MAN IN EUROPEAN SOCIETYRecommendation 789

(Concl(81)335/26, CM(81)48)

The Representative of the Federal Republic of Germany asked for paragraphs A and B of the draft reply in CM(81)148 to be omitted, since they had not been approved by the experts of the Standing Conference on University Problems (CC-PU).

The representative of the Directorate of Education, Culture and Sport said that the CC-PU had expressed an opinion on Recommendation 789 in 1978 but that the Council for Cultural Cooperation (CDCC) had not adopted an opinion based on that of the CC-PU until its 39th session (1981). Since its 1978 opinion the CC-PU had included in its programme of activities new elements relating to the problems raised in the Recommendation so that the reply to the Assembly had to be updated. He proposed that a revised draft reply be prepared taking into account the fears expressed by the Delegations of the Federal Republic of Germany and Spain.

## Decision

The Deputies instructed the Secretariat to prepare a revised draft reply to Recommendation 789 for their 337th meeting (September 1981 - A level).



26.

STEERING COMMITTEE FOR REGIONAL AND MUNICIPAL MATTERS (CDRM)Report of the 9th meeting  
(Strasbourg, 20-21 May 1981)  
(CM(81)173)

The Representative of Belgium pointed out that the title of the draft recommendation concerning citizen participation at the municipal level could not cover both the provisions relating to the participation of citizens, as nationals, at municipal level (paragraphs 1-4) and the provisions on the participation and electoral rights of resident aliens (paragraph 5); this was why the Belgian authorities had reservations in regard to the draft, which was being examined in several of the relevant departments.

The Representative of France also expressed reservations in regard to the provisions relating to migrant workers.

The Representative of Switzerland shared the views of the Representatives of Belgium and France.

The Representative of Spain was in favour of the draft recommendation as presented by the CDRM; it exemplified the principles of the Council of Europe as regards democratic participation at all levels.

The CDRM draft contained only one section dealing with the specific case of migrant workers, and this had been included in response to the wishes expressed by the Assembly, the Conference of Local and Regional Authorities of Europe and by the Conferences of Ministers responsible for local government and migration affairs. It was true that the title of the draft contained the word "citizens"; in reality, however, it was intended to apply to everyone who had lived in a municipality long enough to be entitled to participation.

He then proposed that the text of the draft be supplemented, by recalling in the preamble that the aim of the Council of Europe was to achieve a greater unity between its member States - as was usually done in all Recommendations of the Committee of Ministers to member States. As far as paragraph 5.5 was concerned, the Spanish constitution had already made provision for such a possibility. The multilateral clause was not essential, however; agreements between States could be concluded on a bilateral basis.

The Representative of Portugal supported the general tenor of the statement of the Representative of Spain.

The Representative of the United Kingdom thought that the effect of the draft recommendation was to merge two types of problems which ought to be kept apart, namely, citizens' participation and the rights granted to aliens. She proposed that the word "encourage", in the title of paragraph 5, be replaced by "consider", and that "compulsorily" in sub-paragraph 5.3 be deleted.

The Deputy Director of Environment and Local Authorities pointed out that the CDRM draft was the outcome of proposals made long ago. In both the Assembly and the Conference of Local and Regional Authorities of Europe the minimum action proposed was now felt to be acceptable. As regards the "compulsory" consultation of representative bodies for migrant workers mentioned in paragraph 5.3 of the draft, this had been proposed by the 4th Conference of Ministers responsible for Local Government (Madrid 1980).

With reference to the comment of the Representative of Belgium on the title of the draft recommendation, he said that the ad hoc terms of reference assigned to the CDRM by the Deputies entailed re-examination of the draft "Recommendation on citizen participation at municipal level" emanating from the conclusions of the Ministerial Conference in Stockholm (1978), in the light of the conclusions of the Ministerial Conference in Madrid (1980) on the civic rights of aliens. The inclusion of these rights under the heading of citizen participation might be interpreted as a wish to elevate the status of resident aliens to a degree of citizenship.

The Chairman observed that the question of adopting the draft recommendation would have to be deferred to the Deputies' 338th meeting and proposed that in the interim the Secretariat look into the possibility of changing the title of the draft recommendation to avoid a reference to "citizens".



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Decisions

The Deputies

- i. agreed to resume consideration of the draft Recommendation to the member States on citizen participation at municipal level (item 5 and Appendix IV to CM(81)173) at B level at their 338th meeting (October 1981 - A and B levels);
- ii. noted the progress to date with preparations for the 5th Conference of European Ministers responsible for Local Government, and particularly the themes and dates for the Conference (Lugano, Switzerland, 5-7 October 1982) (item 6 of CM(81)173);
- iii. agreed to take into account, when examining the draft 1982 programme and budget, the CDRM request concerning States whose experts on its committees would have their expenses borne by the Council of Europe (item 7.3 of CM(81)173) and the request for the second annual meeting of the Committee of Experts on Social and Economic Activities (RM-SE) to be resumed in 1982 (items 3.1 and 7.2 of CM(81)173);
- iv. taking into account the above decisions (i) to (iii), took note of the CDRM report as a whole (CM(81)173).



27.

3RD EUROPEAN SYMPOSIUM ON HISTORIC TOWNS  
Opinion of the Bureau of the Steering Committee for  
Regional Planning and the Architectural Heritage (CDAT-BU)  
on Resolution 106 of the Conference of Local and Regional Authorities  
of Europe (CLRAE)  
(Concl(81)334/21, CM(81)95 Addendum)

Decisions

The Deputies

- i. noted that the Bureau of the Steering Committee for Regional Planning and the Architectural Heritage (CDAT-BU) had executed Decision No. CM/194/140580 and took note of the opinion given by the CDAT-BU on paragraphs 2 and 3 of Resolution 106 of the Conference of Local and Regional Authorities of Europe (CLRAE) (Addendum to CM(81)95);
- ii. asked their Chairman to inform the President of the CLRAE of the content of the opinion given by the CDAT-BU, which will be updated.



28.

ENVIRONMENT POLICY IN EUROPE  
Recommendation 910 and Order No. 394  
(Concl(81)335/29, CM(81)102 and 149)

The Representative of Italy made the following statement:

"The traditional role of the Council of Europe should be to concentrate on nature protection leaving to other organisations - the EEC in particular - the task of concerning themselves with control of the environment.

By 'welcoming the environment protection efforts of the European Economic Community' (paragraph 7 of Recommendation 910) the Assembly very succinctly leaves open the option of a new distribution of roles in this sphere; in our opinion this would generate confusion and misunderstandings which it would be best to eliminate immediately.

The meeting and the study referred to in paragraph 12a ('bring together representatives of the various international organisations concerned with environment protection in Europe, with a view to ensuring the requisite co-ordination of their activities, and appoint a consultant to prepare a study on overlap in this field') could more effectively be replaced by straightforward permanent consultation between the secretariats of the relevant organisations.

The Italian authorities consider that paragraph 12(c), which concerns the harmonisation of legislation, has been worded in such general terms as to make any practical action based on it extremely difficult.

Paragraph 12(d), referring to a new system of annual reports on environmental protection programmes, which the governments of member States would present to the Assembly, would in our view be difficult to implement; further, it makes the same demand upon member States as other organisations, eg OECD which insists upon the need to avoid overlapping."

Decisions

The Deputies

- i. agreed to transmit Assembly Recommendation 910 on environment policy in Europe, for information, to their governments and to the Commission of the European Communities, to the appropriate United Nations bodies (United Nations Environment Programme - UNEP; Economic Commission for Europe - ECE) and to the Organisation for Economic Co-operation and Development (OECD);

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ii. agreed to transmit Recommendation 910 to the European Committee for the Conservation of Nature and Natural Resources (CDSN) and to the European Committee on Legal Co-operation (CDCJ), for consideration in the framework of their specific terms of reference, as well as to the Conference of Local and Regional Authorities of Europe (CLRAE);

iii. adopted the following reply to Recommendation 910:

"The Committee of Ministers, having examined Assembly Recommendation 910 on environment policy in Europe, wishes to observe that it greatly appreciates the Assembly's concern that the different approaches to the protection of the environment should be integrated into a single overall approach, and its resulting wish to encourage the co-ordination of the efforts being made in this field. It has duly communicated the Recommendation, thus, not only to the governments of member States and the relevant committees of experts in the Council of Europe but also to the competent authorities in the European Communities, the United Nations and OECD.

As regards the Council of Europe, the Committee of Ministers would point out that the current medium-term plan and programme of intergovernmental activities give special consideration to matters affecting the protection of the environment and the conservation of nature in particular.

Further to these general remarks, the Committee of Ministers wishes to make the following comments regarding the various sections of the operative part of Recommendation 910:

Paragraph 12(a)

The Committee of Ministers has observed that Mr. Bozzi's report (Document 4658) contains a useful review of activities in the field of the protection of the environment at European level. As regards the co-ordination of those activities, the Committee of Ministers points out that the Geneva office of the United Nations Environment Programme (UNEP) is organising, as part of that programme and in close co-operation with the UN Economic Commission for Europe, periodic inter-secretariat meetings of international organisations active in this field, and that the Council of Europe is represented at these meetings. Also, the Economic Commission for Europe periodically publishes a list of international meetings relating to the subject.

As in the case in other international organisations, the Council of Europe committees of experts, including the European Committee for the Conservation of Nature and Natural Resources (CDSN), draws up, whenever necessary, a list of activities planned or in hand elsewhere. This is also being done in connection with the preparation of the 4th Ministerial Conference on the Environment, which will be held in Athens in 1983.

This being so, the Committee of Ministers does not think a study by a consultant would be likely to produce any new material relevant to the co-ordination of the activities of international organisations.

Paragraph 12(b)

In June 1971 the Committee of Ministers adopted Resolution (71)14 containing recommendations to the governments of member States on 'the introduction of the principle of nature conservation into education' in all subjects affected and at all levels, from nursery to upper secondary schools. This text has lost none of its relevance. It would not seem necessary to draft another legal instrument covering the same ground.

Paragraph 12(c)

The Committee of Ministers is aware of the desirability of encouraging the population at large to take part in the preparation of administrative decisions liable to affect the environment, although it does not consider the question suitable for a harmonisation of national legislations. It has agreed to add the Assembly's proposal to the material submitted to the European Committee on Legal Co-operation (CDCJ) in connection with its study of the legal aspects of the protection of the environment.

Paragraph 12(d)

In 1979 OECD published a report on the state of the environment in Europe, based on national reports covering the present situation of the different aspects of the environment and public and private measures taken in regard to them. A second such report is now being prepared.

As part of the Communities' programme of action on the environment, the Commission of the European Communities published its first report on the state of the environment in 1977, followed by a second, similar report in 1979. One chapter of the latter is devoted to the quality of the environment, and, using examples, the report shows what has been accomplished by certain environment protection measures.

In addition, the CDSN is planning to produce a report on the state of the natural environment in Europe, indicating the place occupied by nature conservation activities in member States.

Paragraph 12(e)

The Committee of Ministers is giving active consideration to the draft European Convention for the Protection of International Watercourses against Pollution, and will not fail to keep the Assembly informed of the results of this examination.

Paragraph 12(f)

At present, three member States have ratified the Convention on the Conservation of European Wildlife and Natural Habitats of 19 September 1979, namely Liechtenstein, the Netherlands and Switzerland. The Convention will enter into force after ratification by five member States. The interim committee for co-operation in the framework of this Convention is playing an important part in securing further ratifications.

Paragraph 12(g)

The Committee of Ministers has already taken some steps in the 1981 budget, and will consider others when preparing the budget for 1982, to enable the European Information Centre for Nature Conservation to carry out more effectively its task of informing and educating European public opinion."



29.

IMPACT ON THE ENVIRONMENT OF MAJOR INDUSTRIAL INSTALLATIONS

Recommendation 911

(Concl(81)335/30, CM(81)103 and 150)

The Representative of Italy made the following statement:

"My delegation agrees entirely with the comments made by the Secretariat in CM(81)103, in particular where paragraph 15a and 15b are concerned.

As regards an agreement on prior public consultation procedures in transfrontier regions, the Italian authorities concerned with the matter have expressed the opinion that a certain flexibility should be preserved in a sector which covers questions both of economic development and of commercial competition in different States.

The European Communities are in the process of preparing a Directive which would be fairly similar to Recommendation 911, in that it deals with the problem of the environmental impact of public and private projects. They are however faced with almost insoluble problems, since the member States have difficulty both in drawing up a list of the type of projects to be covered by the Directive and in deciding which level of authority should be responsible for carrying out the impact study.

This reference to the work of the Communities should remind us of the great caution needed in examining this question, since we would be faced with the same differences of opinion which are making work so difficult for the Communities."

Decisions

i. agreed to transmit Assembly Recommendation 911 on the impact on the environment of major industrial installations for information to their governments, to the Commission of the European Communities and to the Organisation for Economic Co-operation and Development (OECD);

ii. agreed to transmit Recommendation 911 to the European Committee for the Conservation of Nature and Natural Resources (CDSN) and to the European Committee on Legal Co-operation (CDCJ) for consideration in the framework of their respective terms of reference and to the Steering Committee for Regional and Municipal Matters (CDRM) for information;

iii. agreed to transmit Resolution 116 of the Conference of Local and Regional Authorities of Europe (CLRAE) on the action to be taken by local and regional authorities concerning the protection of the environment in relation to the development of nuclear power, for information, to their governments and to the Commission of the European Communities, as well as to the CDSN and the CDCJ for consideration in the framework of their respective terms of reference;

iv. adopted the following reply to Recommendation 911:

"The Committee of Ministers has examined Recommendation 911 on the impact on the environment of major industrial installations, taking into consideration the part of Opinion No.104 relating to Resolution 116 of the Conference of Local and Regional Authorities of Europe on the action to be taken by local and regional authorities concerning the protection of the environment in relation to the development of nuclear power.

The Committee of Ministers shares the Assembly's concern over the possible risks to the environment of major industrial installations and also regarding the need for a prior assessment of their impact. The Committee of Ministers, like the Assembly, is convinced of the need to co-ordinate both international and national environment protection policies. In view of the economic and industrial implications of the problems raised by the Assembly, for whose examination the Council of Europe is not the most appropriate international institution, the Committee of Ministers has decided to transmit Recommendation 911 for information to the governments of member States and also to the Organisation for Economic Co-operation and Development (OECD) and the Commission of the European Communities. It has also transmitted the Recommendation to the European Committee for the Conservation of Nature and Natural Resources (CDSN), the Steering Committee for Municipal and Regional Matters (CDRM) and the European Committee on Legal Co-operation (CDCJ).

The Committee of Ministers recalls that the CDSN, encouraged by the Conference of European Ministers for the Environment, initiated, under its work programme, a number of activities relating to the impact studies, which, in 1980, led inter alia to the issue of a publication entitled 'Model Outline Environmental Impact Statement from the standpoint of Integrated Management or Planning of the Natural Environment' (No. 17 in the 'Nature and Environment' series).

The CDSN's programme of activities currently includes examination of the ecological content of the impact studies on the natural environment. Owing to the complexity of the subject and of its immediate socio-economic implications, that activity is unlikely to be completed in the near future. The Committee of Ministers nevertheless considers it indispensable to await its completion before giving the CDSN any further assignments in this same sector.

Lastly, with regard more particularly to consultation of the populations concerned on any proposed major industrial installations, the Assembly's recommendations will be considered by the CDCJ when it is examining the legal aspects of environment protection."

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CM/Del/Concl(81)336  
Item 30

30.

CONFERENCE OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE (CLRAE)  
Date of the XVIIth session (1982)  
(CM(81)185)

Decision

The Deputies approved 19-21 October 1982 as the dates for the 17th Session of the Conference of Local and Regional Authorities of Europe.



31.

AD HOC COMMITTEE OF EXPERTS TO EXAMINE THE DRAFT EUROPEAN CONVENTION  
FOR THE PROTECTION OF INTERNATIONAL WATERCOURSES AGAINST POLLUTION  
(CAHPP)

Final Activity Report

(Concl(81)335/31, CM(81)72 and Add. and CM(81)83)

The Representative of France made the following statement:

"This question was already on the agenda for the 335th meeting of the Deputies last June, as item 31 - Ad hoc Committee of Experts to examine the draft European Convention for the Protection of International Watercourses against Pollution (CAHPP) - Final activity report.

Although the Chairman of the Ministers' Deputies had been fully informed of the new French position in respect to the matter, there was not enough time to discuss it then and, at the request of the French delegation, it was placed on the agenda for this meeting.

I want to point out that for my authorities the question was important enough to warrant convening a meeting of the ministries concerned, in an effort to reconcile the interests of several delegations with a view to reaching agreement, if possible, in regard to the substance of the draft European convention.

At the end of the interministerial meeting my authorities were able to settle a number of points and put forward the following proposals:

As regards Article 13, paragraph 2: we can accept this provision relating to the international commissions although we would wish the word 'minimum' to be deleted in the penultimate line because we find it inappropriate since, as far as the values laid down in Appendix I are concerned, it is a question of optional standards which are merely proposed to the international commissions.

If this suggestion were accepted, it should apply to those paragraphs in Appendix I in which the word 'minimum' also occurs.

As regards Article 14, on the other hand, the French authorities are still unable to withdraw our objection to the inclusion of national tributaries within the field of action of the international commissions. As we have said before, this is a complete innovation and we cannot agree with it.

It may be relevant to add that this negative position was shared, at the last meeting of experts, by the Federal Republic of Germany and by Switzerland. Also, if our information is correct, it is still shared by the Belgian delegation, which said so plainly, moreover, at the Deputies' 333rd meeting.

Aside from these reservations (of principle, as regards Article 14), my authorities have no objection to the substance of the draft in its present form.

We would observe, however, that once a consensus has been reached in respect of the draft (and Belgium, inter alia, seems no more ready than we to accept it as it is), the text of the convention will still require re-examination with a view to improving its form."

The Representative of Spain said that the technical and legal implications of the question were being studied by his authorities and he reserved the right to return to it later when he had more specific instructions.

At the request of the Representative of Spain, the representative of the Secretariat said that at this point the Committee of Ministers was being asked to approve the draft convention in principle, and that the text of the convention would not be formally adopted (and the instrument opened for signature) until the details of Appendices I, II and III had been worked out by the Ad hoc Committee of Technical Experts (CAHXT) set up for the purpose. As was customary, the text would also be given a final "polishing" before being submitted to the Committee of Ministers for adoption.

The Representative of Austria observed that in Article 14 of the English text of the draft convention "contracting parties" had been to "constituent parties" whereas the French text only spoke of "les parties". It would be necessary to decide on the term to be used in the final text.

The Chairman pointed out that discussion of the question was already scheduled to resume at the 337th meeting of the Deputies (September 1981 - A level).

32.

PREPARATION OF FORTHCOMING MEETINGS

The Chairman recalled that the 338th meeting was scheduled to open at B level at 3 pm on Wednesday, 14 October 1981. However, on that day the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, Lord Carrington, would be in Strasbourg, accompanied by a second Minister from the Foreign Office, to meet the European Parliament in his capacity as President of the Council of the European Communities. For this reason it would be more convenient for him if the opening of the 338th meeting at B level could be put back to 10 am on Thursday, 15 October. Having regard to the items already listed for discussion at B level at that meeting, such a re-arrangement should still make it possible to complete the business on Friday, 16 October. Nevertheless, as it was not yet known what items, if any, might be referred to the October B-level meeting by the forthcoming September A-level meeting (337th), he proposed that a decision on the suggested change of date be deferred to the latter meeting.

Decision

The Deputies noted that at present the items to appear on the preliminary draft agenda for their 338th meeting (October 1981 - A and B levels) are as listed at Appendix II to these Conclusions.





33.

OTHER BUSINESS

a.

Regional Planning

Opening of a special account with a view to organising a colloquium jointly with the Commission of the European Communities (CM(81)206)

In reply to a proposal by the Representative of the United Kingdom that consideration of this item be postponed to the next B level meeting (338th - October 1981) as the documents had been issued only shortly before the meeting, the Director of Environment and Local Authorities first commented that the date of the issue of the documents had resulted from the date of the offer of the Commission of the European Communities to contribute financially to the organisation of the proposed colloquium. He went on to explain that the constraints of timing meant that a decision by the Deputies on the proposals before them was a matter of urgency. On the one hand, for reasons of budgetary technique, the colloquium would have to take place before the end of December 1981, while on the other hand preparations for the colloquium could not begin before the Committee of Ministers had given the relevant authorisations.

The grant of FF300,000 offered by the Commission of the European Communities would in fact meet the entire cost of the proposed colloquium; there would be no direct expenditure to be met by the Council of Europe. The Committee of Senior Officials of the European Conference of Ministers responsible for Regional Planning (CEMAT) had been informed of the proposal when it met early in July 1981, and had welcomed it. On its side, the Council of Europe Secretariat felt that it would be most interesting to hold the colloquium, and hoped very much that the financial offer made by the Communities could be accepted.

As stated in CM(81)206, the colloquium would enable experts in the environment, regional development and regional planning sectors to meet and exchange views on the compatibility of environment and regional planning policies. There would be numerically roughly equal participation by experts on environment policies on the one hand and on regional planning policies on the other. It was envisaged that there would be some 60 participants, of whom about half would have their expenses reimbursed from the grant offered by the Communities.

The participants would include experts who sat on the relevant Council of Europe intergovernmental committees. There would be six to eight rapporteurs, although it was not possible to make preliminary contact with them before the Committee of Ministers had given its authorisation for the colloquium to be organised. The details the Director had just outlined would be discussed and agreed with the Commission of the European Communities as soon as that authorisation had been given.

The Representative of the United Kingdom, supported by the Representative of Greece, proposed that delegations be given at least until the following week to consult their national experts about the proposal. While she was relieved that the colloquium would not involve any expenditure for the Council of Europe, she could not be sure without such contacts that the theme envisaged for it ("Protection and rational management of space, the environment and Europe's natural resources: regional planning's key role") did not run counter to the philosophy of the United Kingdom experts.

The Representative of the Federal Republic of Germany, while not objecting to the colloquium taking place, said that it would not be possible for his country to send experts to attend it.

An indicative vote on decision (i) below gave the following result: 13 for, 0 against, 4 abstentions (carried indicatively).

The Chairman ascertained that there was no objection to converting the indicative vote into a final vote, nor to the adoption of decisions (ii) to (iv) with, in the case of decision (iv) the incorporation of a proposal made by the Representative of Spain that the Secretary General should be required to report not only on the outcome of the project, but also on its preparation.

The Representative of Spain said that he had given his approval on the supposition firstly that the colloquium would be prepared in close consultation with the CEMAT Senior Officials, and secondly that experts from all of the member States of the Council of Europe would be entitled to attend it.

### Decisions

#### The Deputies

- i. authorised the Secretary General to organise a colloquium jointly with the Commission of the European Communities along the lines indicated in CM(81)206;
- ii. authorised the opening of a special treasury suspense account in the Council of Europe's books to receive the grant of 300,000 FF from the Commission of the European Communities, on the understanding that this account will be managed in accordance with the provisions of the Financial Regulations of the Council of Europe;
- iii. authorised the Secretary General to report on the use made of this sum to the competent department of the Commission of the European Communities once the project in question has been completed;
- iv. instructed the Secretary General to report to them on the preparations for and outcome of the project.

APPENDIX IAGENDA OF THE 336TH MEETING  
OF THE MINISTERS' DEPUTIES

(Strasbourg, 9 - 11 September 1981, B level)

1. Adoption of the Agenda  
(Notes No. 3857 of 8.9.81)

Political and General Policy Questions

2. Consultative Assembly - Texts adopted by the Standing Committee  
(Strasbourg, 1 and 2 July 1981)  
(Notes No. 3858 of 21.8.81)
3. Review of action taken by the Committee of Ministers on  
Recommendations adopted by the Consultative Assembly - (Concl(80)325/2,  
CM(81)158)  
(Notes No. 3854 of 22.7.81)
4. Granting of consultative status with the Council of Europe to the  
European Thanatology Association (AET) - (CM(81)120)  
(Notes No. 3859 of 27.7.81)
5. European relief plan for natural disasters - Written Question No. 236  
by Mrs. Girard - (Concl(81)332/22, CM(81)40 and Add. and 198  
(Notes No. 3860 of 12.8.81)
6. Protection of the world cultural and natural heritage - Written  
Question No. 238 by Lord Duncan Sandys - (Concl(81)335/11, CM(81)104)  
(Notes No. 3856 of 12.8.81)
7. Transmission of Assembly members' credentials - Recommendation 920 -  
(Concl(81)335/10, CM(81)186 of 13.8.81)  
(Notes No. 3861 of 19.8.81)

Human Rights

8. Cases brought under the Human Rights Convention - Written Question No. 240 by Lord Northfield - (CM(81)159 and Add of 20.8.81) (Notes No. 3862 of 20.8.81)
9. Conscientious objection in Greece - Written Question No. 241 by Mr. Senes - (CM(81)160 and Add of 20.8.81) (Notes No. 3863 of 20.8.81)
10. Protection of personal data - Recommendation 890 - (Concl(80)318/IV CM(80)295 Addendum V and CM(81)134) (Notes No. 3864 of 11.8.81)
11. Access to information - Draft Recommendation - (Concl(81)335/14, Add. II to CM(81)134 and 183) (Notes No. 3865 of 17.8.81)
12. Ad hoc Committee of experts to exchange views on the right to development (CAHDD) - (CM(81)182) (Notes No. 3866 of 18.8.81)

Legal Questions

13. Ad hoc Committee of Experts for the Protection of Animals (CAHPA) - Report of the 9th meeting (Strasbourg, 12-15 May 1981) - (CM(81)138) (Notes No. 3867 of 21.8.81)

Economic and Social Questions

14. European Public Health Committee (CDSP) - Report of the 9th meeting (Strasbourg, 29 June-2 July 1981) - (CM(81)184 (Notes No. 3868 of 4.8.81))
15. Treatment and resocialisation of drug dependents - Draft Recommendation (Concl(81)329/7, CM(80)197, Addendum 3) (Notes No. 3869 of 22.7.81)
16. Public Health Committee - Partial Agreement (CD-P-SP)
  - a. Report of the 8th Session (Strasbourg, 7-9 April 1981) (CD-P-SP(81)7) (Notes No. 3870 of 21.7.81)
  - b. Report of the 9th Session (Strasbourg, 1 July 1981) - (CD-P-SP(81)27) (Notes No. 3871 of 22.7.81)
17. Ad hoc Committee of Senior Officials responsible for the preparation of the Conference of European Ministers responsible for Public Health (MSP-HF) - Report of the 3rd meeting (Strasbourg, 2-4 July 1981) - (Concl(81)335/38i, CM(81)194) (Notes No. 3872 of 29.7.81)
18. Steering Committee on Intra-European Migration (CDMG) - Report of the 4th meeting (Strasbourg, 19-22 May 1981) - (CM(81)180 and Add.) (Notes No. 3873 of 22.7.81)
19. Steering Committee on Population (CDDE) - Report of the 1st meeting (Strasbourg, 10-12 June 1981) - (CM(81)176 and Add.) (Notes No. 3874 of 27.7.81)
20. Poverty in Europe - Recommendation 893 - (CM(81)195) (Notes No. 3875 of 12.8.81)
21. Future of small- and medium-sized businesses in Europe - Written Question No. 242 by Mr. Vohrer - (CM(81)140 and Addendum) (Notes No. 3876 of 7.8.81)
22. Protection of workers in the event of employers' insolvency - Recommendation 919 - (Concl(81)334/6a) (Notes No. 3877 rev. of 31.8.81)
23. Nuclear energy and reply to the 8th Activity Report of the OECD Nuclear Energy Agency - Recommendation 912 - (Concl(81)335/22, CM(81)130) (Notes No. 3837 of 5.6.81)
24. Social situation of prisoners - Recommendation 914 - (Concl(81)335/23, CM(81)146) (Notes No. 3838 of 4.6.81)

Education, Culture and Sport

25. Science and the future of man in European Society - Recommendation 789 -  
(Concl(81)335/26, CM(81)48)  
(Notes No. 3840 of 9.6.81)

Environment and Local Authorities

26. Steering Committee for Regional and Municipal Matters (CDRM) -  
Report of the 9th meeting (Strasbourg, 20-21 May 1981) - (CM(81)173)  
(Notes No. 3878 of 18.8.81)
27. 3rd European Symposium on Historic Towns - Opinion of the Bureau  
of the Steering Committee for Regional Planning and the  
Architectural Heritage (GDAT-BU) on Resolution 106 of the Conference  
of Local and Regional Authorities of Europe (CLRAE)  
(Concl(81)334/21, CM(81)95 Addendum)  
(Notes No. 3879 of 22.7.81)
28. Environment policy in Europe - Recommendation 910 and Order No. 394  
(Concl(81)335/29, CM(81)102 and 149)  
(Notes No. 3843 of 9.6.81)
29. Impact on the environment of major industrial installations -  
Recommendation 911 - (Concl(81)335/30, CM(81)103 and 150)  
(Notes No. 3844 of 9.6.81)
30. Conference of Local and Regional Authorities of Europe (CLRAE) -  
Date of the XVIIth session (1982) - (CM(81)185)  
(Notes No. 3880 of 27.7.81)
31. Ad hoc Committee of Experts to examine the draft European Convention  
for the protection of international watercourses against pollution  
(CAHPP) - Final Activity Report - (Concl(81)335/31, CM(81)72 and  
Add. and CM(81)83)  
(Notes No. 3845 rev. 2 of 10.6.81)
32. Preparation of forthcoming meetings  
(Notes No. 3881 of 4.9.81)
33. Any other business
- a. Regional planning - Opening of a special account with a view  
to organising a colloquium jointly with the Commission of the  
European Communities - (CM(81)206)  
(Notes No. 3916 of 31.8.81)

APPENDIX IIPRELIMINARY DRAFT AGENDA OF THE 338TH MEETING  
OF THE MINISTERS' DEPUTIES

(Strasbourg, 14-23 October 1981, A and B levels)

## 1. Adoption of the Agenda

Political and General Policy Questions

- Committee of Ministers - Preparation of the 69th Session (Concl(81)337/2, CM(81)...)
- \*- Consultative Assembly
  - a. Texts adopted by the Assembly at the second part of the 33rd Ordinary Session (Strasbourg, 30 September - 8 October 1981)
  - b. Parliamentary questions for oral answer by the Chairman of the Committee of Ministers - (SG/D(81)...)
- The Holy See's participation in the work of the Council of Europe Written Question No. 43 by Mr. Dejardin - (CM(81)214 of ...)
- Situation in Cyprus - (Concl(81)337/5)
- Resurgence of fascism and its racist aspects - Resolution 743 of the Assembly - (Concl(80)327/VI, CM(81)...)
- Draft annual programme of intergovernmental activities for 1982 (CM(81)189 and Add.)
- \*- List of committees not governed by Article 17 of the Statute and and Committees set up under special statutes - (Concl(80)325/4 and CM(81)215)

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(\*) B level

NB In accordance with the deadline rules for the dispatch of reference documents and Notes on the Agenda, the date limits are 16 and 25 September 1981 respectively.

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Human Rights

- Judgment of the European Court of Human Rights in the Deweer case Application of Article 54 of the European Convention on Human Rights - (Concl(81)333/13 and letter HD/C8 of 3 March 1980)
- Judgment of the European Court of Human Rights in the Marckx case Application of Article 54 of the European Convention on Human Rights - (Concl(81)333/12 and letter HD/C26 of 15 June 1979)
- McVeigh, O'Neill and Evans against the United Kingdom - Decision to be taken under Article 32 of the European Convention on Human Rights
- Egardo Bonazzi against Italy - Decision to be taken under Article 32 of the European Convention on Human Rights
- \*- Cases brought under the Human Rights Convention - Written Question No. 240 by Lord Northfield - (Concl(81)336/8, CM(81)159 and Add. and ...)

Legal Questions

- \*- European Committee on Legal Co-operation (CDCJ) - Report of the 35th meeting (Strasbourg, 29 June to 3 July 1981) - (CM(81)205 and Add. 1-4)
- \*- Protocol amending the Convention of the reduction of cases of multiple nationality and military obligations in cases of multiple nationality (ETS 95) - Corrections - (CM(81)187)
- \*- Co-operation between the Council of Europe and the International Institute for the unification of **Private Law** (UNIDROIT) - Recommendation 702 - (Concl(81)336/3, CM(81)...) )

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(\*) B level



Economic and Social Questions

- \*- Ad hoc Committee of Senior Officials responsible for the preparation of the 2nd Conference of European Ministers responsible for social security - Report of the 3rd meeting (Madrid, 7-9 July 1981) - (CM(81)210)
- \*- Individual social fellowships - Request from the British Council for a financial contribution - CM(81)207)
- \*- Public Health Committee - Partial Agreement (CD-P-SP) - Report of the 9th Session (Strasbourg, 1 July 1981) - (Concl(81)336/16b, CD-P-SP(81)27)
- \*- European Public Health Committee (CDSF) - Proposed amendments to its title and specific terms of reference - (Concl(81)336/14, CM(81)184, para. 8 and Appendix III)
- \*- Warning phrases for certain categories of medicaments - Draft Resolution AP(81)... - (Concl(81)336/16a, Add to CD-P-SP(81)7)
- \*- Future of small- and medium-sized businesses in Europe - Written Question No. 242 by Mr. Vohrer - (Concl(81)336/21, CM(81)140 and Add. and ...)

Education, Culture and Sport

- \*- Metal detectors and archeology - Recommendation 921 - (Concl(81)336/2)
- \*- Post graduate training modules in energy-related areas - Recommendation 886 - (Concl(81)336/3, CM(81)...) )

Youth

- European Youth Centre
  - a. Annual Report of the Governing Board (1980) - (CM(81)199)
  - b. Draft preliminary programme and estimates of expenditure for 1981 - (CM(81)17)

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Environment and Local Authorities

- 6th European Conference of Ministers responsible for Regional Planning (CEMAT) - (Concl(81)330/27 and 335/32, CM(81)209)
- \*- Committee of Experts for the Planning and Management of the Natural Environment - Admission of observers
- \*- Energy and Environment - Recommendation 846 - Concl(81)336/3, CM(81)...
- \*- Citizen participation at municipal level - Draft Recommendation (Concl(81)336/26, CM(81)173, item 5 and Appendix IV)

Administrative Questions

- Ministers' Deputies' Working Party on the Functioning of Staff Appointments - (Concl(81)337/33, CM(79)50, CM(80)225, 306, CM(81)34, 39 and Add.)
  
- Preparation of forthcoming meetings
  
- Other business
  - a. Dialogue with the Secretary General

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(\*) B level

APPENDIX III  
(item 6)

DECISION NO. CM/240/110981

Ad hoc terms of reference

1. Name of relevant committee: STEERING COMMITTEE FOR URBAN POLICY  
AND THE ARCHITECTURAL HERITAGE (CDUP)
2. Source of terms of reference: Committee of Ministers
3. Completion date: June 1982
4. Terms of reference:

To give an opinion on the study prepared by the Secretariat on the possibility and desirability of preparing a European Convention for the protection of the architectural heritage.

5. Other committee(s) to be informed  
of terms of reference: -



APPENDIX IV  
(item 13)

DECISION NO. CM/241/110981

Specific terms of reference

- |    |                                 |   |
|----|---------------------------------|---|
| 1. | Name of committee:              | AD HOC COMMITTEE OF EXPERTS<br>ON THE INTERNATIONAL<br>TRANSPORT OF ANIMALS (CAHTA) |
| 2. | Type of committee:              | Ad hoc committee of experts   |
| 3. | Source of terms of reference:   | Committee of Ministers  |
| 4. | Duration of terms of reference: | 31 July 1982  |

5. Terms of reference:

To examine current problems in the field of international transport of animals for slaughter and possible measures to remedy those problems, particularly in the light of the limitations of the European Convention for the Protection of Animals during International Transport and the problems arising out of its application.

- |    |   |   |
|----|---|---|
| 6. | Steering committee engaged in related work:                     | - |
| 7. | Terms of reference based on the annual programme of activities: | - |
| 8. | Terms of reference derived from a convention:                   | - |
| 9. | Membership of the committee:                                    |   |

- a. States whose governments may appoint members:

all Council of Europe member States and Finland in her capacity as Contracting Party to the European Convention for the protection of animals during international transport.

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- b. Number of members which each government is recommended not to exceed: -
- c. Number of members per State whose expenses will be borne by the Council of Europe budget: -
- d. Qualifications desirable in committee members: Experts in the field of international transport of animals for slaughter

10. Observers:

- Algeria, Hungary, Poland, Rumania, Czechoslovakia, Yugoslavia;
- Commission of the European Communities.

11. Transitional notes: -

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APPENDIX V  
(item 14)

RECOMMENDATION NO. R(81)14  
ON PREVENTING THE TRANSMISSION OF INFECTIOUS DISEASES  
IN THE INTERNATIONAL TRANSFER OF BLOOD, ITS COMPONENTS  
AND DERIVATIVES

( adopted by the Committee of Ministers on 11 September 1981  
at the 336th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15(b) of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members and that this aim may be pursued, inter alia, by the adoption of common regulations in the public health field;

Recalling its Resolution (78)29 on harmonisation of legislations of member States relating to the removal, grafting and transplantation of human substances, which was adopted with a view to ensuring better protection of donors, prospective donors and recipients of human substances and enhancing the progress of medical science and therapeutics;

Considering that recent studies carried out in all member States (1) have shown that the transmission of infections through the international transfer of blood, its components and derivatives represents a constant health hazard for recipients and that it is necessary when deciding on transfusion to take account of the epidemiological situation in the country of origin of these substances

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(1) See report of the 1980 Co-ordinated Research Programme on Blood Transfusion on the assessment of the risks of transmitting infectious diseases by the international transfer of blood, its components and derivatives.

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Appendix V

RECOMMENDS to the governments of member States that national regulations be established concerning the importation of blood, its components and derivatives with a view to limiting as fully as possible potential health hazards due to the transmission of infectious agents; such regulations should, in particular, provide for the furnishing of data on the donation and the preparation of such substances, ie (in addition to the results of any specific tests which may be considered necessary by the importing State) the name of the country in which the blood was given, the date of the donation or preparation and data concerning the identity of the donor on condition that his anonymity is preserved outside the blood bank at which the donation was made; this information should be available at any time to national health administrations.



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APPENDIX VI  
(item 18)

DECISION NO. CM/239/100981

Decision on the admission of observers

1. Name of relevant committee: STEERING COMMITTEE ON INTRA-EUROPEAN MIGRATION (CDMG)
2. Name of international organisation: UNESCO
3. Date and author of request: 19-22 May 1981, Steering Committee on Intra-European Migration (CDMG) (cf. CM(81)180, para. 63)
4. Whether the observer may attend all plenary meetings, or in what circumstances he may attend: UNESCO may be represented at all meetings of the CDMG
5. Period for which decision is valid: This decision is valid for the duration of the terms of reference of the CDMG.



APPENDIX VII  
(item 22)

DECISION NO. CM/242/110981

Ad hoc terms of reference

1. Name of relevant committees: STEERING COMMITTEE FOR SOCIAL AFFAIRS (CDSO)  
EUROPEAN COMMITTEE ON LEGAL CO-OPERATION (CDCJ)
2. Source of terms of reference: Committee of Ministers
3. Completion date: July 1982
4. Terms of reference:  
To give an opinion on the possibility and advisability of taking follow-up action on Assembly Recommendation 919 (1981) on the Protection of Workers in the event of Employers' Insolvency.
5. Other committee(s) to be informed of terms of reference: None.

