

CONCLUSIONS OF THE HUNDRED AND FORTIETH MEETING OF THE MINISTERS' DEPUTIES

held in Strasbourg from 5th to 9th April 1965

Present :

AUSTRIA	Mr. W. GREDLER- OXENBAUER
BELGIUM.	Mr. L. COUVREUR Mr. A. FONTAINE
CYPRUS	Mr. C. PILAVACHI
DENMARK	Mr. M. WARBERG
FRANCE	Mr. C.H. BONFILS
FEDERAL REPUBLIC OF GERMANY.	Mr. F. PRILL Mr. A. DRENKER
GREECE.	Mr. L. MACCAS Mr. T. CAMLIERIS
ICELAND	Mr. P. EGGERZ
IRELAND	Mr. B. DURNIN
ITALY.	Mr. A. MARIENI Mr. L.A. LAURIOLA
LUXEMBOURG	Mr. J. WAGNER
NETHERLANDS	Mr. W. PHILIPSE Mr. H. BIJL
NORWAY	Mr. O. ÅLGÅRD
SWEDEN	Mr. A. FÄLTHEIM
SWITZERLAND	Mr. H. VOIRIER, <i>Chairman</i> Mr. C. CARATSCH Mr. G. GUIBERT
TURKEY.	Mr. N. DİNÇ Mr. M. KARACA
UNITED KINGDOM	Mr. I. PORTER Mr. C. CLEMENS Miss M. ROTHWELL

The 140th meeting of the Ministers' Deputies opened at 3 p.m. on Monday 5th April 1965, with Mr. H. Voirier, Deputy of the Swiss Minister for Foreign Affairs and Permanent Representative to the Council of Europe, in the Chair.

The Chairman, expressing the unanimous sentiments of his colleagues, conveyed to the Greek Representative his feelings of sorrow and sympathy occasioned by the earthquakes that had claimed so many victims in Greece.

The Secretary General associated himself with this expression of the Committee's sentiments.

The Greek Representative thanked his colleagues and the Secretary General.

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The Secretary General informed the Deputies of a letter he had received from the Prime Minister of Malta enclosing that State's instrument of accession to the Council of Europe.

In reply to questions by a number of delegations the Secretary General explained that the next stage in the accession procedure was the *procès-verbal* of deposit. This would probably take place at the Deputies' next meeting.

I. Adoption of the Agenda

The Agenda was adopted (Appendix 10)¹.

II. Cultural questions

The Director of Education and of Cultural and Scientific Affairs invited the attention of the Ministers' Deputies to two publications recently brought out by the CCC on priority problems which had been identified in the Resolutions of the Conferences of European Ministers of Education: *Pupil Guidance* and *Modern Language Teaching by Television*.

The first illustrated a method of work adopted by the CCC in the light of experience: the collation of material from numerous international conferences, the appointment of an expert to compile a comparative study on the basis of this material in consultation with government departments, and

¹. See page 212.

the identification of common trends with a view to helping the Ministers of Education to take decisions.

The second was a comparative study of methods adopted in the different countries and was designed to serve the same purpose. It was the first example of a new system of commissioned research which would replace the former Council of Europe Research Fellowships. The disadvantage of the former system had been that the subjects of research were chosen by the candidates themselves and did not necessarily correspond to the needs of the cultural programme. The new system ensured that the CCC controlled the choice of subject and the appointment of the research worker.

Sales of these publications were increasing but had not yet passed the level of 1,000 copies in each language. The Director of Education and of Cultural and Scientific Affairs was informed that their intrinsic value warranted a sale ranging from 5,000 to 10,000 copies in each language.

The Director stated that review copies had been sent to more than 60 specialised educational journals and that where comments had appeared they had been favourable.

(a) Report of the 7th Session of the Council for Cultural Co-operation
(Docs. CM (65) 23, *Corrigendum*, and CM (65) 28)

The Deputies noted the report of the 7th Session of the CCC (Doc. CM (65) 23 and *Corrigendum*).

They examined the points calling for a specific decision in the light of a memorandum prepared by the Secretariat (Doc. CM (65) 28).

1. Financial basis for planning the 1966 programme of the CCC

The Director conveyed to the Ministers' Deputies the gratitude of the CCC for the positive action it had taken on many of the recommendations of the cultural *ad hoc* Committee.

With regard to the question of planning, he drew attention to the decision taken by the Com-

mittee of Ministers in December 1964, whereby they drew a distinction between the sum which the CCC could take as a basis for planning its programme for 1965 and the sum actually to be credited to the Cultural Fund in that year. Since the CCC prepared its programme for the following year at its May/June Session, it has asked the Committee of Ministers to indicate immediately the amount which it could take as a basis for its planning for 1966, on the understanding that the sum actually payable to the Cultural Fund in respect of that year would be fixed by the Deputies after technical examination.

The Deputies then held a general discussion on the CCC's request for authorisation to draw up a cultural programme for 1966 based on expenditure of 2 million F., to be financed by the Cultural Fund.

The Austrian, Belgian, Danish, French, Irish, Netherlands, Norwegian, Swedish and Swiss Representatives expressed themselves in favour of this request.

The Netherlands Representative said his Government was in favour of allocating 2 million F. for 1966 irrespective of the financial situation of the Cultural Fund at the end of this year.

The Belgian Representative supported these views.

The representative of the Federal Republic of Germany said that his Government could approve a grant-in-aid not exceeding 1,600,000 F. with a guarantee of 250,000 F., which would in effect enable a programme costing 1,850,000 F. to be carried out.

The UK Representative said that his Government could agree to the preparation of a programme for 1966 amounting to 2 million F., the actual amount provided as grant-in-aid to be 2 million, less the available reserves of the Cultural Fund. In calculating the grant no account should be taken of any other income of the Cultural Fund, which would thus remain available for expenditure in addition to the programme of 2 million F. He considered that the Budget Committee should be consulted in the usual way on the non-policy aspects of the matter.

After the general discussion, the Deputies decided to authorise the CCC to draw up a programme for 1966, to be financed by the Cultural Fund, on the basis of a sum of 2 million F., and to fix the amount actually payable to the Cultural Fund in respect of that year in the light of the financial situation of the Fund towards the end of 1965, after consultation of the Budget Committee.

**2. Cultural policy of the Council of Europe
(Doc. CM (65) 23, Point 9 and Appendix E)**

The Deputies examined a paper on the future cultural policy of the Council of Europe prepared by the CCC for publication (Doc. CM (65) 23, Point 9 and Appendix E).

The Director of Education and of Cultural and Scientific Affairs recalled the various stages through which the present statement of policy had passed before its adoption by the CCC at its 7th Session. The CCC had already received formal terms of reference and programme directives from the Committee of Ministers, but this was the first time that a concise document had been produced to explain to the world at large the aims and methods of the cultural work of the Council of Europe. The CCC hoped that the Committee of Ministers would adopt it and authorise its publication.

The Irish Representative sought an assurance that the passage relating to public relations would not be invoked to justify a large increase of staff for its implementation.

On behalf of the Secretary General, the Director stated that any requests for staff in this connection would be strictly limited and that the work entailed would be carried out in close collaboration with the Directorate of Information.

The Irish Representative also stated that he would like to see some redressal of the balance between cultural and educational activities in the policy of the Council of Europe.

The Swiss Representative expressed the hope that the policy statement would be published in brochure form for wide distribution.

After a general discussion the Deputies adopted the statement of the cultural policy of the Council of Europe and authorised its publication.

The Secretary General thanked the Committee of Ministers for this decision. The publication of the statement was of fundamental importance for the Council of Europe, as it would make it possible to bring home to public opinion the ultimate objectives of the organisation in the cultural field.

**3. Documents relating to the 2nd Parliamentary
and Scientific Conference**

In view of their educational implications, the Deputies authorised the transmission to the CCC of the official documents relating to the 2nd Parliamentary and Scientific Conference.

The Danish and Swiss Representatives expressed the hope that the Secretariat of the Council would be able to co-operate regularly with that of OECD in order to avoid overlapping. The Director of Education and of Cultural and Scientific Affairs replied that he had recently consulted with the Director of Scientific Affairs of OECD on this and other educational questions of mutual interest and that they had agreed on the necessity of co-operation in this field.

**4. The problem of leisure
(Doc. CM (65) 23, Point 5)**

The Deputies noted that, in view of the magnitude of the problems involved, the CCC had refrained from taking a position at its 7th Session on Recommendation 392 of the Consultative Assembly on the problem of leisure, which was transmitted to it by the Committee of Ministers for an opinion, but would return to this question at the 8th Session in order to prepare a reply to the Recommendation for the attention of the Committee of Ministers.

**5. Europe Day
(Resolution (64) 16 and Doc. CM (65) 23, Point 14 (b))**

The Deputies noted that the CCC had decided at its 7th Session to consider concrete measures which might be taken in 1966 within the framework of Resolution (64) 15 of the Com-

mittee of Ministers establishing a "Europe Day" and had placed this question on the Agenda for its 8th Session.

6. Arrangement with the European Cultural Foundation (Doc. CM (65) 23, Point 12 (b) and Appendix F)

The Deputies noted that the revised text of the Arrangement between the Secretary General of the Council of Europe and the European Cultural Foundation, already approved by the CCC, would be transmitted to the Committee of Ministers for approval after examination by the Board of Governors of the Foundation and the Secretary General.

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The Swedish Representative enquired about the attitude of the CCC to the statement of the UNESCO Observer that the European Regional Conference of Ministers of Education planned by UNESCO for 1966 "should not be considered as competing with the Conference of European Ministers of Education for which the Council of Europe provides secretariat services."

The Director replied that the UNESCO Conference, which had not yet been finally arranged, would be held on a completely different basis from the Conferences of European Ministers of Education organised by the Secretariat of the Council of Europe but that one of the themes provisionally chosen - student admission to universities - was one which had been discussed at the London Conference in 1964. A UNESCO Observer would attend the meeting of Senior Officials which was to be held in Vienna in May 1965 to prepare the next Conference of European Ministers of Education, and the Swedish delegate to that meeting could then raise any questions relating to the European Regional Conference of Ministers of Education planned by UNESCO for 1966.

(b) 3rd annual report of the Council for Cultural Co-operation (Doc. CM (65) 24)

The Director of Education and of Cultural and Scientific Affairs recalled that, in accordance with Article V (4) of the Statute of the Cultural Fund, the CCC was required to "transmit an

annual report on its activities to the Committee of Ministers, who shall communicate it to the Consultative Assembly".

The Danish Representative pointed out, with reference to the passage on page 7 of Document CM (65) 24 referring to "permanent links with the different countries on questions not requiring policy decisions", that the problem could not be said to "remain unsolved", since the Committee of Ministers had closed the issue by deciding not to establish national correspondents for cultural questions.

The Director of Education and of Cultural and Scientific Affairs undertook to introduce a footnote to the report (Doc. CM (65) 24), which would make it clear that a negative decision had been taken by the Committee of Ministers.

The Danish Representative also stated, with reference to the regular service for the exchange of legislative texts mentioned on page 75 of the report (Doc. CM (65) 24), that his Government was willing to co-operate in the scheme, but could only do so on a limited basis.

The Deputies authorised the transmission of the 3rd annual report of the CCC (Doc. CM (65) 24) to the Consultative Assembly.

111. Statement by the Secretary General

The Secretary General informed the Deputies of developments in the various spheres of activity of the Council of Europe since the 139th meeting.

**IV. Vocational training
European Research and Information Centre
for occupational films (CERIFT)**

(Concl. (65) 139, Point IV (b), Docs. CM (64) 217 and Addenda 1 and 2 and CM (65) 47 and 55)

The Deputies examined the reply of the Chairman of the Technical Committee for Film Activities stating on behalf of the Committee that he considered the plan to establish a European Research and Information Centre for occupational films an interesting and useful one. The Deputies therefore decided by a majority that it was unnecessary to ask for the comments of the

plenary Technical Committee on steps to be taken to implement the plan before establishing the Centre.

The representatives of the Federal Republic of Germany, the Netherlands, Switzerland, Norway and the United Kingdom were in favour of consulting the Committee.

It transpired that twelve delegations were in favour of the immediate foundation of the CERIFT, it being understood that the Technical Committee for Film Activities would be associated with its establishment and operation in so far as was necessary. Five delegations did not fully share this view. The Deputies agreed to give formal effect to their opinion at the 141st meeting by adopting a Resolution setting up the Centre.

**V. Protection of Nature
Report of the Committee of Experts**

Concl. (65) 139, Point V, Docs. CM (64) 253 and 254
and CM (65) 19, 43 and 48)

The Deputies decided to examine the following questions at their 141st meeting :

- Water conservation (point 4 of the report of the Committee of Experts) ;

- The work of the European Conference of Local Authorities (point 11 of the report) ;

- Supplementary estimates (point 15 of the report).

It was left to the Secretariat to place the question of a European Information Centre for the conservation of nature and landscape (point 7 of the report) on the agenda of some future meeting.

The Deputies took note of the memorandum, Document CM (65) 43, giving a list of participants who will attend the meetings planned for the purpose of drawing up an inventory of the ancient buildings and historical or artistic sites to be preserved and developed. They approved the request by the Committee of Experts (point 10 of the report) that one or two of its members who are ecologists should take part as observers in the discussions to be held by the CCC on the protection and development of historic sites. It was agreed that the cost entailed by this decision, which concerned only one meeting, would be charged to the 1966 budget.

**VI. Agricultural policies in Europe
Recommendation 411**

(Concl. (65) 139, Point XX B (g))

The representatives of Denmark, the Federal Republic of Germany and the United Kingdom presented comments by their Governments on Assembly Recommendation 411.

The Deputies agreed that these three notes and the declaration of the French delegation recorded in the Conclusions of the 139th meeting should be reproduced in a document setting out all the comments submitted by delegations before 1st June, and that the document should be examined at the 143rd meeting with a view to its possible communication to the Assembly in reply to Recommendation 411.

The Deputies also decided to transmit Recommendation 411 for information and possible opinion to OECD, FAO, EEC, EFTA, GATT and the United Nations Economic Commission for Europe.

**VII. The safety factor in the construction and
design of vehicles
Recommendation 413**

(Concl. (65) 139, Point XX B (i))

The representatives of Ireland, Denmark, Norway, the Netherlands and Austria stated that their Governments were prepared to accept the first part of the Recommendation but not, at present, the second part. The Netherlands Representative proposed that the Recommendation should also be transmitted to the United Nations Economic Commission for Europe and the European Economic Community.

The Deputies agreed to transmit the Recommendation and report (Doc. 1817) to member Governments and, for opinion, to OECD, ECMT, the Economic Commission for Europe and the European Economic Community.

They decided to reply to the Assembly as follows :

"The Committee of Ministers have examined with interest Recommendation 413 on the safety

factor in the construction and design of vehicles.

In accordance with point I of the operative clauses of the Recommendation, the Committee of Ministers have decided to transmit the Recommendation and the report (Doc. 1817) to member Governments for the attention of public authorities, private associations and firms concerned and, for opinion, to OECD, ECMT, the United Nations Economic Commission for Europe and the European Economic Community.

The Committee of Ministers will return to the Recommendation later in the light of the replies received from the organisations consulted. They will then decide what action should be taken on point II of the operative clauses of the Recommendation."

VIII. Control of additives and chemical residues in foodstuffs Recommendation 414

(Concl. (65) 139, Point XX B (j))

The Netherlands Representative said he could accept points 1 and 3 of the Recommendation. On point 2, the Netherlands Government shared the view expressed by the Swiss delegation and recorded in the Conclusions of the 139th meeting except as regards sending Observers to the Partial Agreement meetings, which he thought would impair the confidential character of such meetings.

The Danish Representative said that his Government was prepared to accept the Recommendation.

The United Kingdom Representative said that according to his information the Joint FAO/WHO Commission issued standards on a regional or a world-wide basis.

The representative of Iceland said that his country was in favour of the whole Recommendation.

The Swiss Representative asked whether the decision on point 2 of the Recommendation should not be taken by those members of the Committee of Ministers who represented Partial Agreement countries.

The Swedish Representative conveyed his Government's agreement over points 1 and 3 of the Recommendation. He abstained on point 2.

In reply to the Irish Representative, the Secretary General said that fresh approaches had been made to WHO and that it would probably be advisable to continue the examination of the Recommendation at a later meeting.

The Deputies decided to return to this question at the 142nd meeting.

IX. International Voluntary Service Recommendation 419

(Concl. (65) 139, Point XX B (o))

In the general debate, the Netherlands Representative declared that in his opinion the reply to the Assembly should contain *expressis verbis* a decision of the Committee of Ministers by which the Committee for Out-of-School Education should be represented as an *observer* on the Committee of the Regional Conference on International Voluntary Service, thereby stressing the non-governmental character of the Regional Conference.

The Danish, Netherlands and Swiss Representatives abstaining, the Deputies decided to reply to the Assembly as follows on this Recommendation :

"The Committee of Ministers have examined Recommendation 419 on international voluntary service.

With regard to point I of the Recommendation, the Committee decided to leave it to the CCC to arrange for the Committee for Out-of-School Education to be represented on the Committee of the Regional Conference on International Voluntary Service. The Committee of Ministers noted with pleasure the interest already shown by the CCC in the Conference's activities.

As requested by the Assembly in point 2 of the Recommendation, the Committee of Ministers decided to authorise the Secretary General, in accordance with point 2 of Resolution 292, to make available to the Regional Conference administrative assistance and material facilities, provided this does not entail any increase in the budget appropriation."

**X. Initial measures for the achievement of the free movement of manpower in Europe
Recommendation 421**

(Concl. (65) 139, Point XX B (q))

During the examination of Recommendation 421 on initial measures for the achievement of the free movement of manpower in Europe, the Deputy Secretary General referred to Recommendation 376, in which the Assembly had advocated extending certain arrangements adopted by the European Economic Community to some Council of Europe member countries which did not belong to the Common Market. He reported to the Deputies on his talks in Brussels on 18th March 1965 with Mr. Rey, member of the EEC Commission, Mr. Noël, Executive Secretary, and some of their collaborators.

At the request of a number of delegations, it was agreed that the gist of the Deputy Secretary General's statement would be reproduced in a memorandum. The Deputy Secretary General explained, however, that there could be no question at this stage of submitting to the Governments the lists of proposals for subjects which might lend themselves to collaboration between the Commission and the Council of Europe drawn up respectively by the services of the one and the Secretariat of the other. These were mere suggestions which must be thoroughly examined by the officials with specialised knowledge of those subjects. The first of these "technical" examinations was to be held at Brussels in May and would cover social and public health questions. A second meeting would be devoted to legal questions. The Deputy Secretary General emphasised the importance that should be attached to the fact that "official" contacts had been established with some members and the services of the Commission, with its approval, and that a procedure had been instituted to enable those contacts to be continued on a regular basis in the future.

The Secretary General said that the talks with Brussels fitted into a wider context of links between the Council of Europe and other European and world organisations which he had been instructed to strengthen by the Committee of Ministers at their 34th Session. Relations with

the Commission, unlike those with other institutions, had hitherto lacked continuity; the Deputy Secretary General's conversations and the agreement reached on the necessity of following them up at specialist level thus supplied a serious deficiency, especially since the subjects falling within the province at the same time of the Communities and of the Council of Europe were particularly numerous.

The United Kingdom Representative thought it was useful that the services of the Commission should have produced a list of suggestions. He asked whether their reactions to Recommendation 421 indicated that little progress was to be expected over this matter at the present juncture.

The Deputy Secretary General said that remarks made by the services of the Commission off the record did show that the implementation of Recommendation 421 would call forth certain difficulties on the side of the Commission which was moving ahead rapidly and was already preparing a new text to supersede the Regulations 15 and 38/64 referred to in Recommendation 421. Nevertheless, the Commission itself had not taken up an official position on the matter which was in any case due to be investigated shortly by the specialists. Moreover, Assembly Order No. 239 had instructed the Rapporteurs of the Political and Social Committees, in conjunction with the Secretary General, to approach the Commission in order to consider the possibility of adopting measures similar to Regulations 38/64; it would therefore be best to await the outcome of these approaches.

Speaking personally, the Deputy Secretary General added that, even if the adoption of similar measures by countries which were not Members of the Communities proved difficult, Recommendation 421 might at least induce the Governments to give more substance to the provisions of the European Convention on Establishment, which had recently entered into force.

The Irish Representative observed that Recommendation 421 also allotted a place in the matter to OECD, which had been dealing with manpower questions for a long time; he asked whether the Secretary General intended to follow the Recommendation on this point.

The Swiss Representative remarked that Chapter VIII of the Organisation's 3rd report to the Council of Europe, which would be tabled in the Assembly very soon, contained detailed comments on various points raised by the Assembly.

The Secretary General thought it premature to make an official approach to OECD but said that he could talk the matter over informally with Mr. Kristensen.

At the Chairman's suggestion, the Deputies decided to return to Recommendation 421 at their 143rd meeting.

XI. Human Rights **(a) Vienna Colloquy**

(Concl. (65) 139, Point XXVII (a), and Doc. CM (65) 34)

The Deputy Secretary General made a statement about the arrangements being made for the Colloquy on Human Rights in Vienna next October. He expressed his appreciation of the action taken by the University of Vienna and by the Austrian Government. He felt sure that the Committee of Ministers would wish that their Chairman should be a member of the *Comité d'Honneur*, together with the Austrian Federal Chancellor, several Austrian Ministers, the President of the Assembly, the Presidents of the Commission and the Court, etc.

As regards administrative and financial matters, he hoped that the Deputies would agree that the Committee of Experts on Human Rights should hold its autumn meeting in Vienna, in order to permit the experts to participate in the Colloquy. The additional expense involved could be covered by the existing credits. The University of Vienna had asked that the Council should bear the expenses of four of the Rapporteurs. This would amount to approximately 3,000 E. and he proposed to debit it to Sub-Head 21 of the Budget (independent experts).

The Deputies agreed to the two requests made.

The representative of Turkey stated that he had consulted his Government about the willingness of the Turkish Foreign Minister (who would be the next Chairman of the Committee of Ministers) to be a member of the *Comité d'Honneur* but he had not yet received a reply.

The Deputies expressed the wish that Governments should facilitate participation in the Colloquy of Presidents of Supreme Courts in member States.

In reply to an enquiry by the Netherlands Representative, the Deputy Secretary General stated that the expenses of Chief Justices taking part in the Colloquy would fall on their Governments.

It was decided :

(i) to request the Chairman of the Committee of Ministers to be a member of the *Comité d'Honneur* ;

(ii) to authorise the Committee of Experts on Human Rights to hold its autumn meeting in Vienna.

(b) Application No. 1446/62 - Report of the European Commission of Human Rights **(letter H/7.705 of 21st December 1964 and Misc. (65) 9)**

The *Committee of Ministers* considered the report of the Commission of Human Rights relating to Application No. 1446/62 lodged by Oskar Plischke *v. Austria* and adopted *Resolution (65) DH 1*, the text of which is to be found in Appendix 2, page 200.

The head of the Directorate of Human Rights drew the attention of the Committee to the interest of this case. In 1963 the Committee of Ministers had considered the cases of Ofner and Hopfinger *v. Austria*, and Pataki and Dunshirn *v. Austria*, and in 1964 fourteen Individual Applications *v. Austria*. While these cases had been pending before the Commission, the Austrian Parliament had adopted two new laws, the law of 18th July 1962 which amended the Code of Criminal Procedure in order to bring it into conformity with the Convention, and the law of 27th March 1963 which provided that any person whose application directed against the old procedure had been declared admissible by the Commission of Human Rights should be entitled to have his case reheard by the Austrian courts. The adoption of these new laws had led the Committee of Ministers to decide that no further action was required on the earlier cases, since any violations which might have occurred had been remedied under Austrian law.

The particular interest of the present case was that Oskar Plischke had availed himself of the new law and his case had been reheard by the Austrian Supreme Court. As a result of this new hearing, his sentence had been reduced from three years to two-and-a-half years' imprisonment. This case, therefore, in a sense, completed the story and showed the effectiveness of its provisions.

The Deputies authorised the publication of the Report of the Commission.

(c) Powers and procedure of the Committee of Ministers under Article 32 of the Convention on Human Rights
Report of the Committee of Experts
(Docs. CM (65) 27 and Addendum, and 49)

The Ministers' Deputies examined the report of the Committee of Experts on Human Rights (Doc. CM (65) 27) on five questions relating to the powers and procedure of the Committee of Ministers when exercising its functions under Article 32 of the Convention. This report contained the opinion of the experts on the questions set out in a memorandum of the Secretariat (Doc. CM (64) 54) which the Deputies had referred to them for their opinion in June 1964.

The Deputy Secretary General stated, with reference to the first question discussed, that, in his view, if differences arose between the Contracting Parties about the application of a Council of Europe convention, it was not for the Committee of Experts to express its views; the Parties concerned should try to settle the difference in accordance with the procedure set out in the convention in question or with other instruments relating to the settlement of disputes.

Question I : Whether the Commission is entitled to express wishes or recommendations in cases where it considers that there has been no violation of the Convention.

A majority of nine experts (the Danish, French, Greek, Irish, Italian, Norwegian, Swiss, Turkish and United Kingdom experts) are of the opinion that the Commission is not entitled to make proposals in cases where it considers that there has not been a violation of the Convention.

A minority of six experts (the Austrian, Belgian, German, Luxembourg, Netherlands and

Swedish experts) consider that the Commission is entitled to make proposals even in the absence of a violation.

The majority of the Ministers' Deputies endorsed the opinion of the majority of the experts.

The United Kingdom Representative drew attention to the reasons for which his Government rejected the view of the minority of the experts (Doc. CM (65) 49). The Netherlands Representative stated that his Government still adhered to the minority view and rejected the reasoning of the majority.

It was decided to inform the Commission of Human Rights of the views expressed by the Committee of Experts, and the reasons therefore, and also of the fact that the Committee of Ministers had by a majority vote endorsed the opinion of the majority of the experts.

Question II : Whether there should be a revision of the Convention or a clarification of the procedure of the Committee of Ministers, in order to ensure a proper balance between all Parties to the Convention when an inter-State dispute involves two or more States of which one has not accepted the optional clauses.

The Deputies noted the opinion of the Committee of Experts that "the existence of inequality between Contracting Parties in this matter did not constitute a legal problem. Contracting Parties have made optional declarations in the full knowledge of the provisions of the Convention, according to which other Governments might or might not make similar declarations".

On the political aspect of the matter, i.e. the acceptance by all Contracting Parties of the optional provisions of the Convention, the Deputies decided to return to this point in connection with Recommendation 416 of the Assembly (See below Item (e)).

Question III : Whether the Committee of Ministers is entitled to reopen discussion of the substance of a case (for example by considering written or oral statements of the Parties and possibly by hearing witnesses) or whether it should limit itself to expressing its agreement or disagreement with the Report of the Commission.

(i) The Ministers' Deputies endorsed unanimously the conclusion of the experts that "under the

Convention the Committee of Ministers is entitled to discuss the substance of any case on which the Commission has submitted its Report";

(ii) The Ministers' Deputies endorsed unanimously the opinion of the experts that, while the Committee of Ministers must have all the necessary powers to reach a decision on a Report of the Commission, nevertheless, since the Commission is in its nature better equipped to take evidence, *etc.*, the Committee of Ministers ought not normally to undertake such tasks. Consequently, the Committee of Ministers should invite the Commission to undertake these tasks unless, in exceptional circumstances, it appears essential that the Committee of Ministers should do so itself ;

(iii) The Head of the Directorate of Human Rights drew attention to paragraphs 16 and 17 of the report, in which the Committee of Ministers referred to the position of States Parties to disputes and individual applicants in proceedings before the Committee of Ministers ; the experts had stated that a number of problems arose in this connection which they considered they were not called upon to investigate under the terms of the question referred to them by the Committee of Ministers.

The Secretariat wondered whether it would not be helpful for the Committee of Ministers to have a comprehensive set of rules to govern their procedure when acting under Article 32 ; if so, the Committee might constitute a Working Party or instruct the Committee of Experts to prepare a draft. This would permit consideration of any modifications it might be desirable to make to the five rules which are already in force and consideration of the other problems referred to by the Committee of Experts. It might be advantageous that this study should be made at a time when no contentious proceedings are pending.

The Deputies decided to instruct the Secretariat to prepare a paper indicating what are the points which might be given further consideration in this way. On receipt of this paper, they will decide at a future meeting what further action should be taken in the matter.

Question IV : The majority required in the Committee of Ministers on proposals that may be made by the Commission in accordance with Article 31 (3) of the Convention.

The Ministers' Deputies, by a majority of 15 votes against 1, endorsed the conclusions of the Committee of Experts that : "the provisions of paragraph 2 of Article 32 enable the Committee of Ministers, in cases where they have decided that there has been a violation, to give advice or make suggestions or recommendations to the State concerned, provided that these are closely related to the violation. Such advice, suggestions or recommendations, whether based on proposals made by the Commission or not, would in view of the provisions of paragraph 1 of Article 32, require a two-thirds majority, and would not be binding on the Government to which they are addressed because they would not constitute decisions within the meaning of paragraph 4 of Article 32."

Question V : The majority required for a vote in the Committee of Ministers on certain questions of procedure, such as whether any memorials, counter-memorials or other documents are to be deposited and, if so, in what order and within what time-limits.

The Ministers' Deputies approved unanimously the conclusion of the Committee of Experts that the questions mentioned under this heading should be determined by a simple majority of the representatives entitled to sit on the Committee of Ministers.

(d) Procedure for the election of Judges of the Court
(Concl. (65) 139, Point XIII (c)
and Docs. CM (65) 7 and 32)

Having considered the question of the procedure to be followed under Article 39 (2) of the Convention on Human Rights in the case of partial elections or on the admission of a new Member of the Council of Europe or in filling casual vacancies (see Doc. CM (65) 7), the Deputies agreed that the practice adopted over the last four years without prejudice to the issues raised in Recommendation 235 - whereby the Governments other than the Government(s) directly concerned did not put forward candidates - should be followed in the future. This would mean that in the case of partial elections or on the admission of a new Member of the Council of Europe or in filling casual vacancies, candidates would be proposed only by the State or States in respect of which the retiring judge or judges had been elected or in respect of which the new seat is to be filled.

It was also agreed to inform the Assembly of this decision in the next statutory report. This would enable the Committee of Ministers to reply to the Assembly's Recommendation 235 of 22nd January 1960, a final decision on which had hitherto been postponed.

This decision was taken by a majority of 12 votes in favour, 3 abstentions and 1 against.

**(e) Measures to make the European Convention on Human Rights more fully effective
(Concl. (65) 139, Point XX B 1)**

The Deputies resumed consideration of the Assembly's Recommendation 416 on measures to make the European Convention on Human Rights more fully effective.

As regards paragraph 6, there was not unanimity (as would be required by Article 20 of the Statute) in favour of a recommendation to the Governments which have not yet accepted the optional clauses, as proposed by the Assembly. The representative of the United Kingdom stated that, as his colleagues already knew, his Government were looking into the question of the optional clauses.

It was agreed to inform the Assembly that it was open to individual members to raise the question of acceptance of the optional clauses in their national Parliaments; it was believed that this procedure was likely to be more effective than a recommendation by the Committee of Ministers.

As regards paragraph 7, on the appointment of national correspondents to deal with human rights' matters, a number of delegations said that they were prepared to accept the Assembly's proposal in this respect, though certain others doubted the necessity for such appointments.

In reply to comments by the United Kingdom Representative, it was pointed out that the need for national correspondents was particularly felt in those countries where the provisions of the Convention were directly applied by national courts as internal law. The Directorate of Human Rights did its best to collect the national jurisprudence for the benefit of the Commission, the

Court and others interested in the Convention, but this task would be greatly facilitated by the appointment of national correspondents. While this was the primary object of the proposal, such correspondents would also be useful in other countries in order to inform the Council of Europe of new legislative measures and national decisions of particular importance.

The representative of the Federal Republic of Germany stated that his Government was able to approve the proposals made in paragraph 7 of Recommendation 416 only with certain restrictions. The national correspondent would not be in a position to inform the Secretariat of all publications on human rights in the Federal Republic. His Government asked that the reply to the Consultative Assembly should mention explicitly that information could be given only on essential publications. The same would apply to communications on national jurisprudence concerning human rights.

In this connection he asked whether the Secretariat itself could not do useful work in this sphere, for instance through its library's direct relations with leading national and international libraries.

It was agreed to authorise the Secretariat to approach individual Governments in order to explain the need which had been felt and ascertain whether arrangements could be made to meet them.

As regards paragraph 8, there was general agreement that there could be no objection in principle to sending to the Council of Europe copies of the Reports on Human Rights' matters communicated to the United Nations.

The representative of the Federal Republic of Germany stated that his Government had no objections to the proposal made in paragraph 8 of the Recommendation, that the triennial reports submitted to the United Nations Commission on Human Rights should also be communicated to the Council of Europe. However, since these reports were addressed to the United Nations, the Secretariat should come to an agreement with that Organisation on the subject.

Since it was expected that the UN Commission on Human Rights at its current session

would review the system of reporting adopted by the United Nations, it was agreed to postpone further consideration of the matter until the results of that study were known.

This question will be included in the agenda of a forthcoming meeting when a reply to Recommendation 416 of the Assembly will be adopted.

(f) Draft Protocol No. 5 to the European Convention on Human Rights
(Concl. (65) 139; Point XIII (a) and Doc. CM (65) 18)

It was recalled that 11 Governments had already expressed themselves in favour of the text of the draft 5th Protocol contained in Document CM (64) 222, subject to the purely formal amendments proposed by the United Kingdom delegation in Document CM (65) 18.

The Austrian Representative said that he would abstain at this stage.

The Head of the Directorate of Human Rights pointed out that this Protocol could not enter into force unless it was ratified by all Parties to the Convention. It was therefore desirable that those delegations which had not yet done so should state their position without delay.

In these circumstances, it was decided to defer a decision until the 142nd meeting, in the hope that by that date all Parties to the Convention would be willing to accept this Protocol.

XII. Statutory limitation in respect of crimes against humanity - Recommendation 415

(Concl. (65) 139, Point XX B (k))

The Deputies continued their examination, begun at the 139th meeting, of Recommendation 415 on statutory limitation as applicable to crimes against humanity.

The Head of the Human Rights Directorate informed the Deputies of the progress of the work of the United Nations Commission on Human Rights, which had been in session at Geneva since 22nd March and had the question of statutory limitation in respect of crimes against humanity on its agenda.

The representative of the Federal Republic

of Germany observed that Recommendation 415 did not refer to the United Nations Commission on Human Rights and that the omission was deliberate. He also announced that, on 25th March 1965, the German *Bundestag* had passed the "Criminal Justice (Calculation of Time Limitation) Bill". Its most important clause (Section 1) was as follows :

"In calculating the time limit for the prosecution of crimes punishable by life imprisonment, the period between 8th May 1965 and 31st December 1949 shall not be reckoned. Limitation of time for prosecuting the aforesaid crimes shall be deemed to have been suspended throughout that period.

The Bill would probably be passed by the *Bundesrat* in April, and it could then be promulgated. Proceedings in respect of crimes against humanity which had not yet been detected could then be assured."

A number of delegations observed that many Governments had already taken measures of the kind advocated by the Assembly.

The Swedish Representative said that in his country statutory limitation was 25 years, even for the gravest offences. This limitation was observed however heinous the crime. After 25 years, it was very difficult to carry out an investigation, as the evidence was often lacking and there was a risk of judicial error. Moreover, in Swedish law, the number of crimes had no effect on limitation.

In Sweden, as in all other countries, there prevailed a feeling of horror at the crimes against humanity referred to in the Recommendation; but the Swedish Government did not regard this as a ground for abandoning a fundamental rule of law.

Furthermore, extension of the time was contrary to the principle of non-retroactivity of the criminal law.

The Swedish Government was therefore bound to vote against point (a) of the Recommendation.

The general discussion on paragraph (a) of the Recommendation showed that the reply of the Committee of Ministers should in any case take into account :

- the fact that the Recommendation has lost much of its potential topical significance, since many Governments have already taken action along the lines indicated by the Assembly;

- the opinion held by a large number of delegations that :

(i) the Recommendation as worded, being addressed to the Governments, involves intervention in the municipal law of individual countries;

(ii) the Recommendation may raise difficulties from the point of view of the fundamental rules of law, but some countries have been able to overcome them, mainly on political grounds.

The Deputies, without settling the terms of the reply of the Committee of Ministers to point (a) of Recommendation 415, proposed drafting it on the following lines, on the understanding that the final text of the reply would not be decided until the 141st meeting :

"The Committee of Ministers took careful note of Recommendation 415 on statutory limitation as applicable to crimes against humanity, adopted by the Consultative Assembly on 28th January 1965.

The Committee of Ministers found that the Governments of the following countries had, on the dates shown below, adopted measures of the kind indicated by the Assembly :

Austria	(1965)	
Belgium	(December	1964)
Denmark	(July	1946)
France	(26th September	1964)
Federal Republic of Germany	(25th March	1965)
Netherlands	(1947)	
....."		

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With regard to point (b) of the Recommendation, which asks the Committee of Ministers to convene a committee of government experts to draw up a convention ensuring that crimes against humanity shall not be subject to statutory limitation, some delegations said that their

Governments could not accept the Assembly's proposal.

The Norwegian Representative said that his Government was in favour of drawing up a convention of the kind advocated by the Assembly.

The Deputies agreed to return to point (b) of the Recommendation at their next meeting, possibly in the light of new developments.

XIII. Publication of the travaux préparatoires of Council of Europe Conventions and Agreements Recommendation 417

(Concl. (65) 139, Point XX, B (m))

The Deputies continued their discussion of the proposal in Recommendation 417 to publish the *travaux préparatoires* of Council of Europe Conventions and Agreements, in the light of the conclusions reached in this connection by the European Committee on Legal Co-operation at its second meeting (Concl. (65) 138, Point III).

This Recommendation was first discussed at the Deputies' 139th meeting, at which the Secretary General stated the view indicated under point XX B (m) of the Conclusions of that meeting. In particular he remarked that the CCJ had also considered the matter in 1964 and had concluded that an explanatory report should be drafted by the experts themselves for each convention.

The Norwegian Representative said that, after further study of the question, the responsible authorities in his country had expressed their agreement with the CCJ's conclusions.

The Swedish Representative stated that his Government was able to approve the proposal made by the Assembly in Recommendation 417.

The Danish Representative remarked that it was not necessary to publish all documents used by Committees of Experts during the preparation of Conventions as suggested by the Consultative Assembly. The Danish authorities considered that it was only necessary to publish the final reports of the Committees of Experts. In this respect it was pointed out that the Courts, in interpreting Acts, *etc.*, had no access to working documents but only to the final report of the

Committee that had drafted the Act. At the same time it seemed essential that the *travaux préparatoires* to be published should cover sufficient ground.

As regards the question of consent by those member States which had participated in the work of the Committees of Experts, it seemed natural to distinguish between publication of reports from Expert Committees that had drafted their final report knowing that it would be published, and publication of reports from committees whose work had been finished at a time when publication had not been decided. Experts in the first group could see to it that the reports contained no information of a confidential nature, so that it seemed unnecessary to obtain the consent of the member States for publication. As regards the second category, the Danish authorities agreed that the consent of member States would have to be obtained to the extent that the reports included confidential information.

The Danish delegation therefore thought that the authority which the Assembly Recommendation had suggested giving to the Secretary General was, on the one hand, too wide, as it comprised all working papers, and, on the other hand, too narrow, as it demanded consent even for publication of reports that had been drafted after authorisation had been given.

For these reasons the Danish authorities were unable to support the Recommendation but suggested instead :

(i) that in future the experts should prepare sufficiently detailed final reports on the drafting and interpretation of each paragraph of a convention and that these reports should be published by the Secretary General ;

(ii) that the Secretary General should be authorised to publish reports concerning Conventions for which no reports of the kind mentioned under (i) above existed, with the consent of member States that had participated in the drafting and, to the extent he considered necessary, other *travaux préparatoires*.

The representative of the Federal Republic of Germany pointed out that the Secretary General should not be given a general authorisation, but that each Convention and all the texts prepared

by experts and governmental reports should be examined separately by the Deputies.

He also said that, in the opinion of the responsible authorities in his country, it would be desirable to place a precise interpretation on the words "make available" in paragraph 6 of Recommendation 417, since the expression in question was not sufficiently clear.

The representative of the United Kingdom made the following statement :

"(1) We agree with the views of the European Committee on Legal Co-operation that :

(a) With regard to the *travaux préparatoires* relevant to the drafting of new conventions, it will be desirable, in the interest of a uniform interpretation, to publish a report which should be sufficiently detailed ;

(b) As regards conventions already concluded, the question of publishing a final report should be considered case by case taking into account the extent to which it is of a confidential character.

We think that the practice whereby Committees of Experts prepare their own explanatory reports of agreements drafted by them should be continued and, unless there is objection in any particular case, these reports should be published and so made available for purposes of legal research and interpretation of the convention. It would be the responsibility of the Committees of Experts, bearing in mind that their reports would be published and used for these purposes, to make them accurate and as full as possible without unduly complicating or prolonging the negotiation. We do not agree with the Norwegian delegation and the Assembly Legal Committee that the experts should agree upon and make available explanatory memoranda giving an authoritative statement of the consensus and intention of the Contracting Parties. The final text of a convention itself represents the consensus of the negotiators.

(2) Regarding conventions that have already been negotiated, we think that confidential reports and documents relating to the negotiations should not be published without the consent of all the Governments concerned : each case must therefore be considered on its own merits.

(3) The above is, we think, probably the best that can be done since it does not appear to be practicable, within the limits of the Secretariat's resources, 'to make more elaborate records of negotiations including verbatim or summary records of discussions.'

The Irish Representative agreed with his British colleague's opinion.

Following the general discussion it was agreed that the Deputies should decide at their 142nd meeting on the reply to be given by the Committee of Ministers to the Consultative Assembly on Recommendation 417, in the light of a Secretariat document mentioning the various statements made and proposing procedural regulations covering the whole field under consideration.

**XIV. Hague Convention concerning the powers of authorities and the law applicable in respect of the protection of infants
Recommendation 418**

(Concl. (65) 139, Point XX B (n))

The Deputies continued their examination of Recommendation 418 on the Hague Convention concerning the powers of authorities and the law applicable in respect of the protection of infants.

The Austrian Representative informed his colleagues of his Government's intention to sign the Convention.

The Irish Representative, noting that any member State of the Council of Europe could accede to the Convention in accordance with the terms of Article 21, explained that the authorities in his country were not at present able to take a decision with regard to accession to this Convention since it had not yet been ratified by the signatory States.

The Swedish Representative said that the possibility of amending national legislation on the question was under study by a parliamentary committee. In this study, the committee would take into account *inter alia*, the work done at The Hague. The Swedish Government would only be able to decide whether to sign the Convention when this study had been completed.

The Belgian Representative stated that his Government had not yet defined their attitude on the subject.

The Icelandic Representative said that the authorities in his country were examining the possibility of signing the Convention.

The Danish Representative pointed out that Sub-Committee No. 3 of the ECCP was at present considering the desirability of a European convention on mutual assistance in respect of delinquent minors. The Sub-Committee was to meet on 18th and 19th May 1965 to discuss the matter further in the light of any comments made by the responsible authorities of member countries. Since the ECCP's discussions might cover problems raised by the Hague Convention, the Danish authorities thought it would be desirable to await the results of the Sub-Committee's work. For this reason the representative of Denmark, after saying he was unable to approve Recommendation 418, proposed that it should be communicated to the European Committee on Legal Co-operation for opinion.

The Norwegian Representative, while stating that his country was at present unable to sign the Convention, agreed with his Danish colleague's proposal.

The Deputies agreed to submit to their countries' responsible authorities for study the Danish Representative's proposal that Recommendation 418 should be communicated to the European Committee on Legal Co-operation for opinion.

They also agreed to return to the question at their 142nd meeting.

**XV. Broadcasts transmitted from stations installed on objects affixed to or supported by the sea-bed outside territorial waters
Recommendation 422**

(Concl. (65) 139, Point XX B (r))

The Deputies continued their examination of the proposals made by the Consultative Assembly in Recommendation 422 on broadcasts transmitted from stations installed on objects affixed to or supported by the sea-bed outside territorial waters.

In connection with paragraph 7 (b) of the Recommendation, the French delegation thought it completely pointless to refer it to the Committee of Experts on Broadcasting and Television. In that paragraph the Assembly was asking in effect that Article 4 of the European Agreement for the prevention of pirate broadcasts should be made obligatory. But it was enough for the States party to the Agreement to have the intention of applying it : there was no need for a new instrument, which would only delay effective application of the Agreement.

With regard to paragraph 7 (a) of the Recommendation, Article 7, paragraph 1, of the Geneva Telecommunication Regulations signed on 21st December 1959 provided that "the establishment and use of broadcasting stations ... on board ships, aircraft or any other floating or airborne objects outside national territories is prohibited". The French delegation therefore considered that pirate stations were illegal under international law and that the European Agreement for the prevention of pirate broadcasts had merely instituted an internationally agreed system of penalties to be imposed on such stations. They were therefore unable to approve paragraph 7 (a) of the Recommendation, which they considered contrary to the texts mentioned above.

The French Representative's attitude was endorsed by numerous delegations.

Following a general discussion, the Deputies agreed that the Committee of Ministers should reply to the Consultative Assembly on Recommendation 422 as follows :

"The Committee of Ministers examined Recommendation 422, adopted by the Consultative Assembly on 25th January 1965, on broadcasts transmitted from stations installed on objects affixed to or supported by the sea-bed outside territorial waters.

With regard to paragraph 7 (a) of the operative clauses of the Recommendation, it will be recalled that under the Geneva Telecommunication Regulations signed on 21st December 1959 "the establishment and use of broadcasting stations ... on board ships, aircraft or any other floating or airborne objects outside national territories is prohibited". The European Agreement for the prevention of pirate broadcasts merely institutes an internationally agreed

system of penalties to be imposed on such stations.

The object of the European Agreement is solely to prevent the operation of such stations which, outside national territories, transmit broadcasts intended for reception or capable of being received, wholly or in part, within the territory of any Contracting Party, or which cause interference harmful to any radio-communication service operating under the authority of a Contracting Party in accordance with the Radio Regulations.

The questions mentioned in paragraph 7 (a) therefore do not arise in the circumstances.

With regard to paragraph 7 (b) of the operative clauses of the Recommendation, it should be pointed out that the European Agreement merely lays down minimum rules and it is therefore open to States to adopt a more extensive system of prevention with regard to both the punishment of acts and the prosecution of persons. Thus, under Article 4, States have the option of applying the provisions of the European Agreement to broadcasting stations installed or maintained on objects affixed to or supported by the bed of the sea. 'Since this possibility is already provided for it does not appear necessary at present to draft a separate Convention or a Protocol to the existing European Agreement.'

XVI. European Committee on Crime Problems Draft Resolution on remand in custody

(Concl. (65) 139, Point XII (b), and Doc. CM (65) 16)

The Deputies resumed their examination of the draft Resolution on remand in custody, in the light of a general commentary contained in Document CM (65) 16.

The Austrian Representative put forward the following considerations :

(a) On Point 1 (e) of the draft Resolution

Legal limitation of the period of detention is justified where there is danger of collusion. However, the situation is different in the case of danger of flight or of repetition or actual commission of the offence (*i.e.* danger that the offender may commit the act attempted or threatened).

No rigid time-limit can be set to detention due to danger of flight, because of its very nature. One needs only to think of very complex cases or those in which extensive investigations are necessary, e.g. in distant countries not within easy reach. This also applies to detention because of danger of repetition or actual commission of the offence, since the duration of such danger, which depends partly on the offender's personal attitude, cannot be foreseen. In all such cases the law must provide for possible extension of the period of custody.

Since, in the light of the explanations given by ECCP, this point in the Resolution is not to be interpreted as a recommendation that a rigid legal limit should be set to detention even in the cases just mentioned, no objection is raised to the draft as it stands. However, it is necessary that this view should be recorded in the conclusions of the present meeting of the Ministers' Deputies.

(b) On Point 1 (g) of the draft Resolution

Surveillance in the home (*i.e.* absolute prohibition on leaving it) even in the case of "persons in special situations", such as minors and old, sick and pregnant persons, should be rejected. It is merely a mild form of normal detention; the same object can be achieved by other means (*e.g.* an order not to leave the home for long periods or to avoid certain company). Furthermore, it cannot be completely enforced. Old, sick and pregnant persons in particular cannot be prevented from visiting the doctor, and the categories in question, especially young people, must be granted a daily period in the fresh air (for a walk), which even the inmates of prisons are allowed. The mention of surveillance in the home in point 1 (g) of the draft Resolution would therefore be better deleted. Consideration might be given to a solution whereby surveillance would not be a total prohibition on leaving the home but simply an obligation not to leave it except when absolutely necessary, and in any event to stay at home at night.

After a general discussion, the Deputies agreed on the text of the draft Resolution.

The Deputies adopted, by unanimity of votes

cast, Resolution (65) 11, the text of which is to be found in Appendix 1, page 192.

The French Representative abstained.

The Austrian Representative also abstained and requested that his comments should be recorded in a paper addressed to all Governments and reproducing the text of the Resolution, as this procedure would enable the Ministers of Justice of the member Governments to take note of those comments.

The Deputies agreed to this suggestion and instructed the Secretariat to carry it out.

The Secretariat informed the Deputies that the document in question would carry the reference CM (65) 60.

XVII. Appeals Board

(Concl. (65) 139, Point XVII, and Doc. CM (64) 239)

The Deputies continued their examination of the Statute of the Appeals Board (Doc. CM (64) 239) which, except for paragraph 2 of Article 6, had been adopted at the 139th meeting.

The delegation of the Federal Republic of Germany had proposed the following amendment to that paragraph :

Instead of the text proposed by the Secretariat, *viz.* :

"When annulling a decision, the Board shall fix the amount of compensation to be paid to the appellant should the Secretary General decide, within thirty days of the date of notification of the award, that the execution of the latter might cause internal difficulties for the Organisation."

paragraph 2 of Article 6 to read as follows :

"Should the Secretary General show that the execution of a decision by the Board to annul an administrative decision is impossible in practice, and if the Board considers that his reasons are valid, it shall fix an amount to be paid to the appellant in compensation for injuries suffered."

Believing that this amendment, if introduced,

might give rise to serious difficulties, the Deputies - with the exception of the representative of the Federal Republic of Germany - decided in favour of the text proposed by the Secretariat.

Turning to the question of the fees of members of the Appeals Board, the Deputies - with the exception of the Netherlands Representative, who had suggested the figure of 150 F. - decided to follow the rules in force at OECD as regards both the amount of the remuneration and the conditions of its payment; they issued the following regulation :

"The Chairman and members of the Appeals Board and the substitute members shall be experts of the Committee of Ministers of the Council of Europe during the performance of their duties.

If they do not already exercise any functions in the organisation, they shall receive a fee of 250 F. per day, and if they do not reside at Strasbourg, their travelling and subsistence expenses shall be paid by the Council of Europe in accordance with Article 18 (a) of the Rules for Committees of Experts approved by the Committee of Ministers on 22nd September 1951."

With regard to the membership of the Board, the Deputy Secretary General suggested appointing Mr. Rodenbourg, former Chairman of the Arbitral Tribunal of the Council of Europe and a member of the Court of Human Rights, as well as, in order to secure some uniformity between the decisions of different organisations, a member of the Administrative Tribunal of the Communities and a member of the Appeals Board of OECD.

The Deputies agreed to send in to the Secretariat by 1st June a list of the candidates they put forward and to decide at the 141st meeting on the method of voting to be used when making the appointments.

XVIII. European Conference of Local Authorities - Texts adopted by the 5th Conference
(Concl. (65) 139, Point XIX, and Doc. CM (65) 33)

The Deputies continued the discussion begun at their 139th meeting of the texts adopted by the 5th European Conference of Local Authorities.

They decided that the opinions of the Com-

mittee of Ministers on the various Resolutions passed by the Conference should read as follows :

(i) *Resolution 43* : Regional planning and the conservation of nature and landscape.

"The Committee of Ministers consider it impossible to take action on some of the recommendations made in Resolution 43, in particular, that relating to the establishment of a new body, for which the Committee of Ministers see no need.

They wish, however, to inform the Conference of the progress of their work in this field, namely :

- They have approved the working programme drawn up by the Committee of Experts on the Conservation of Nature and Landscape ;

- They have instituted a European Diploma for certain protected landscapes, parks and natural monuments ;

- They are studying the possibility of setting up a European Office for the Conservation of Nature and Landscape ;

- They have decided to provide two assistants, each for a period of three to six months, to help the consulting experts on questions of nature conservation legislation."

(ii) *Resolution 44* : Regional planning and the preservation and development of ancient buildings and historical or artistic sites.

"The Committee of Ministers examined Resolution 44 of the 5th Conference of Local Authorities on regional planning and the preservation and development of ancient buildings and historical or artistic sites in the light, *inter alia*, of Assembly Opinion No. 42 and the decisions already taken by the Committee of Ministers in this field.

The Committee of Ministers note that the CCC was invited to study the whole question of the preservation and development of ancient buildings and historical or artistic sites in the context of its programme and having regard to its financial resources.

The Committee of Ministers furthermore ap-

proved the reprinting of 500 copies of the brochure on the preservation and development of ancient buildings and historical or artistic sites produced by the Consultative Assembly, and their distribution to local authorities."

(iii) *Resolution 50*: Action taken by the Committee of Ministers and the Consultative Assembly on the Resolutions adopted at the 4th Session relating to points other than the Statute of Conference.

A. Local autonomy

"The Committee of Ministers recall that in their reply to Opinion No. 15 adopted by the Conference at its 4th Session, calling for the preparation of a Convention on Local Autonomy, they had informed the Conference that such a Convention would not be desirable at present, both because of the constitutional position of certain member States and on grounds of expediency.

The Ministers note that the Conference is no longer thinking in terms of a Convention, but of a declaration of principles which would be submitted to them for approval.

The Committee of Ministers feel impelled to inform the Conference from the outset of the unlikelihood of such a move meeting with their approval."

D. Cultural questions

"The Committee of Ministers have discussed the question of European intermunicipal exchanges and noted that it is already being dealt with by the Consultative Assembly of the Council of Europe and is at present under study by the Committee on Local Authorities.

The Committee of Ministers consider that it is not possible to accede to the Conference's request for direct representation on the advisory and technical committees of the Council for Cultural Co-operation, and that it is for the Assembly to take care of such requests as the need arises by virtue of Assembly Resolution 229."

E. Blood donors

"(1) Governments have no objection to the implementation of Resolution 26, provided that

existing national practices and regulations are taken into account.

(2) The League of Red Cross Societies is prepared to support such activities."

H. Air pollution

"The Conference on Air Pollution met in Strasbourg from 24th June to 1st July 1964 and produced 42 proposals and 14 technical reports which have been referred to an *ad hoc* Committee of Experts. When this Committee has submitted its final report and the Ministers have discussed it they will not fail to inform the Conference."

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"In regard to the other parts of this Resolution, the Committee of Ministers noted that the problems raised in two of them (parts F - United Towns Organisation - and G - Europe Day) had meanwhile been settled by the Committee of Ministers. The Committee of Ministers decided to take no decision on the problems raised in part B - European Communities - for the time being; they will state their views on the matter later.

Part C of Resolution 50 (Regional planning and policy) was also carefully studied by the Committee of Ministers, who decided to return to it in conjunction with the ten Resolutions on regional planning adopted by the Conference, after the Assembly had expressed its opinion on these texts."

(iv) *Resolution 51*: Charter of the Conference

"When examining Resolution 51, the Committee of Ministers noted that the Conference had instructed its Standing Committee to approach the Consultative Assembly and the Committee of Ministers with a view to a joint discussion of ways and means of keeping the Conference and Local Authorities informed.

In view of this, the Committee of Ministers have not taken a decision on Resolution 51."

(v) *Resolution 52*: Administrative services of the Conference

"The Committee of Ministers examined Resolution 52 concerning the administrative services of the Conference in general and, more particularly, the establishment in the Secretariat of a Regional and Local Affairs Division, one of whose tasks would be to set up a regional documentation centre.

The Committee of Ministers do not share the view that the problem could be tackled in the way envisaged by the Conference. A Secretariat division would not suffice to undertake the work proposed; a special Secretariat would have to be set up to handle all the problems raised by local authorities alone. Government budgetary exigencies, to which the local authorities cannot be indifferent, would not admit of this, and the rationalisation of the work of the Secretariat also implies administrative requirements which the Secretary General cannot disregard.

The Ministers are not insensible, however, to the arguments advanced by both the Conference and its President concerning the growing volume of work in the local authorities sector. They have consequently authorised the Secretary General to create an A2/3 post in the Office of the Clerk of the Assembly, whose occupant will assist with local authorities work.

This new post should substantially ease the work in the local authorities sector for the time being, and the Committee of Ministers will review all the problems connected with local authorities in the Secretariat later."

(vi) *Resolution 53* : Rules of Procedure of the Conference

"The Committee of Ministers examined Resolution 53 on the Rules of Procedure of the Conference. In addressing to the Conference their opinion on this Resolution, the Committee of Ministers observe that the Rules, as amended by the Conference, are more in keeping with the texts whereby the Conference came into being and they are gratified at the happy issue of the exchange of views which took place between the President of the Conference and the Committee of Ministers in 1963 in an excellent atmosphere of co-operation and collaboration.

Although their opinion was not followed in certain instances, in particular as regards Articles 6 and 7, the Committee of Ministers do not

intend to prolong a discussion on questions which are, after all, of secondary importance.

With reference, however, to the presence of advisers at meetings of the Standing Committee, and regardless of the fact that the point has no financial implications, the Committee of Ministers cannot but express surprise at the failure to delete paragraph 10 of Rule 8. They recall that the Standing Committee had itself suggested deleting this paragraph and consider that the Conference would have been wise to follow its advice.

The Committee of Ministers have noted that the Conference found it desirable to retain the provisions of Rule 39 of the Rules of Procedure. At this point the Ministers do not consider it necessary to reiterate their previous opinion, i.e. that the Rules should be deleted on the ground that Article 7 of the Charter stipulates that 'within the limits of the appropriations made for the Conference, the Secretary General of the Council of Europe shall provide such secretarial assistance as may be required by the Conference and its organs'. They reserve the right to review this question at a later stage."

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It was agreed that the opinion of the Committee of Ministers should be communicated to the Conference in a letter from the Chairman of the Ministers' Deputies to the President of the Conference.

XIX. Present situation in Rumania Recommendation 412

(Concl. (65) 139, Point XX B (h))

The Deputies continued the examination undertaken at the 139th meeting of Recommendation 412 on the present situation in Rumania.

The Netherlands Representative said that his Government intended to take into account as much as possible the suggestions made by the Assembly in the last paragraph of Recommendation 412.

Most delegations expressed doubts as to the political expediency of the Recommendation.

The Secretary General, after describing the background to the Recommendation, expressed the view that the terms of the reply to the Assembly should be carefully weighed and that it might be best for it to be given, say, through the Joint Committee.

The Deputies agreed to take the opportunity of one of the next meetings of the Joint Committee to inform the Assembly of the attitude of the Committee of Ministers, while leaving the initiative of an exchange of views between representatives of the Assembly and the Committee of Ministers to the Assembly.

XX. Foundation of a Museum of Modern Art in Strasbourg

(Concl. (65) 139, Point XXVII (d), and Doc. CM(65)38)

The Deputies held a preliminary discussion on the reactions provoked in their countries by the decision of the City of Strasbourg. The following information was given :

Belgium : The first reaction has been excellent. Contacts have been established with the museums through the Ministry of Culture.

Cyprus : The reaction of the responsible authorities has been very favourable.

Federal Republic of Germany : The decision has aroused keen interest in Germany. However, the Ministry for Foreign Affairs has to consult the eleven Ministers of Education of the *Länder*. For this purpose it has referred the matter to the Standing Conference of Ministers of Education of the *Länder* and is awaiting its reply. The representative of the Federal Republic thought the CCC should be informed of the plan since some of its Members which are not Members of the Council of Europe might be in a position to contribute.

Greece : The Greek Government and responsible authorities are very interested.

Iceland : The French plan has been very well received. Iceland will contribute to the project to the best of its ability.

Ireland : The question is being submitted to the Cultural Relations Committee and the Arts

Council. These bodies are to meet early in May. The French proposal has already been warmly welcomed.

Netherlands : The Foreign Exhibitions Co-ordinating Committee is to meet on 24th May to consider the question.

Norway : The responsible authorities have reacted favourably. They are contemplating holding an exhibition of modern Norwegian art at Strasbourg at a date to be decided in conjunction with the French authorities.

Sweden : The question is being considered sympathetically. Several bodies have to be consulted. Since any decisions would be facilitated by fuller information, the Swedish delegation would be grateful to the French delegation and the City of Strasbourg for any other data they may have at their disposal.

Switzerland : The Federal Commission responsible for administering the artistic heritage of the Confederation has power to make loans such as those suggested. The Federal authorities will commend the question to its sympathetic consideration.

Turkey : The position is similar to that in Sweden.

United Kingdom : The proposal has been received with great interest in the Foreign Office. The British Council has been consulted and is at present considering the possibility of acting on the French Government's request.

The French Representative thanked his colleagues and assured them that in due course he would give them all necessary details about premises available, museum techniques adopted, procedure for despatch and insurance, conditions of loan, organisations of exhibitions, etc.

Asked by the Chairman whether it was intended to approach private collections, the French Representative said that there was no *a priori* objection to doing so.

The Deputies agreed to discuss the question again at their meeting in September. Meanwhile, delegations will send any further information to the Secretary General, who will pass it on to the French delegation.

**XXI. Committee of Ministers
Preparation of the 36th Session**

(Concl. (65) 139, Point XXII, and
Docs. CM (65) 36, 37 and 52)

The Deputies continued their discussion of the questions already on the Agenda, or which might be added to the Agenda, for the 36th Session of the Committee of Ministers, to be held at 10 a.m. on 3rd May with Mr. F.T. Wahlen, Head of the Political Department of Switzerland, in the Chair.

(a) Relations with other States

The Netherlands Representative said that his Government was extremely interested in the report of the discussion on this question held at the Deputies' last meeting, but that he thought further discussion of the general aspects should be conducted by the Ministers themselves. However, the Netherlands Government would welcome a continued exchange of information and discussion on the development of relations between the member countries of the Council of Europe and the countries of Eastern Europe as decided upon at the last meeting of the Committee of Ministers in Paris.

The United Kingdom Representative remarked that in his Government's view the question might usefully be placed on the Agenda for the 36th Session of the Committee of Ministers, in order to enable the Committee to hear what developments had occurred since its last meeting. The Secretary General confirmed that he would give the Committee of Ministers a brief oral survey of these developments without, however, going into basic issues.

(b) Political aspects of European economic integration

At the request of the Chairman, the Political Director announced that, since OECD and GATT had recently been able to give the necessary technical assistance, the document for which the Secretariat had been asked was in course of preparation. However, the Secretariat could not guarantee that it would be issued this week, since its drafting raised difficult and delicate problems. After the French Representative had expressed surprise at the time required to prepare a factual document, which should confine

itself to showing whether or not the division of Europe into two economic groups had had the serious consequences that were sometimes alleged, the Political Director explained that the Secretariat had had to await publication of statistics for 1964 before it could begin its study.

The Austrian Representative pointed out that, even if the present situation presented no major difficulties, there was every reason to fear that this would not be the case in 1967; the development of trade flows suggested that the gulf between the two groups would continue to grow wider. To Austria, a Member of EFTA but conducting most of its trade with EEC, the situation could not fail to be disturbing. The Council of Europe, as the sole European organisation which included all the countries concerned, was the best qualified to try to improve the situation. The Committee of Ministers should devote the bulk of their next session to examining this point, with a view to a thorough discussion of the merits.

The United Kingdom Representative agreed with this: such a discussion might be very useful. However, he was not convinced that a written presentation of the question was absolutely necessary. The document for which the Secretariat had been asked might serve as a basis for exchanges of views among the Deputies rather than at Ministerial level.

The French Representative confirmed that he had in fact asked for the document to be prepared for the Deputies, not the Committee of Ministers, without however ruling out the possibility of presenting it to the Ministers.

The Chairman proposed that the decision to include the document among those to be submitted to the Committee of Ministers should be taken at the Deputies' next meeting.

The Head of the Economic Division pointed out that the document would simply show whether or not trade flows had been influenced by the existence of two economic groups, and if so, in what direction. He remarked that the Secretariat was well aware that economic relations were not a mere matter of trade, but that it was hardly possible to show all the indirect effects of every change in currents of trade.

In answer to a question by the Danish Representative, it was stated that Mr. Bock, Austrian Minister of Trade, would present the progress report of EFTA to his colleagues.

The French Representative said that he would inform the Secretariat shortly with regard to presentation by a Minister of the report on the work done by EEC since the last Session of the Committee of Ministers.

The Irish Representative hoped that the Chairman of the Committee of Ministers would impress on his colleagues the importance of the proposed confrontation and the need for a wide-ranging discussion of basic issues.

The Secretary General said that he would be speaking to Mr. Wahlen on 22nd April. He also stated that the question of submission to the Ministers of a final document that might serve as a working basis for any discussion on harmonisation could be decided only in the light of the Governments' reactions to the memorandum that he had just sent to the Foreign Ministers and the Deputies. In any event, if such a discussion was decided upon, it would have to form a separate item on the agenda.

The French Representative agreed as to the necessity of making it a separate item of the Agenda. Since the questions of harmonisation and the work programme of the Council of Europe were not directly linked with the problem of European economic integration, discussion of them might be given a false slant if the Ministers considered them in that context.

The United Kingdom Representative said that, although there was to be no meeting of the Joint Committee, Ministers' time would nevertheless be limited. When the Chairman and Secretary General discussed the Agenda with Mr. Wahlen on 22nd April he hoped they would give priority to the item on integration and the item on the Secretary General's paper if this was tabled. He also pointed out that if the Agenda was agreed on as late as 22nd April, Governments would have very little time to prepare Briefs.

The Deputies decided to consider at their next meeting whether it was necessary to include the question of harmonisation and the medium-

term work programme as a separate item of the Agenda for the 36th Session of the Committee of Ministers.

GATT trade negotiations

The Deputies decided to postpone consideration of Document CM (65) 52 to their 141st meeting.

Atlantic partnership

It was remarked that this question appeared on the Agenda for the 36th Session of the Committee of Ministers but that at the present stage it was scarcely likely that there would be a detailed discussion.

The Chairman told his colleagues that the President of the Consultative Assembly, who was ill, was unable to come, as he had intended to do, to talk about the forthcoming meeting between the members of the Consultative Assembly and members of the United States Congress.

In the absence of the President of the Assembly, the Political Director told the Deputies what arrangements were contemplated for this meeting :

- The American party would probably consist of a delegation of 5 members of the Foreign Affairs Committee of the House of Representatives and 1 to 3 members of the corresponding Committee of the Senate, including Mr. Fulbright, the Chairman of that Committee. Mr. Morgan, the Chairman of the House of Representatives' Committee, although he could make no definite promise, had said he would do his utmost to come.

- To meet the wish of the Assembly, one member of each of the American Houses would speak in the hemicycle and answer any questions. There would be, not a debate, but a conversation. It was not intended on this occasion to discuss in detail the relations between American and European parliamentarians. Such a discussion would take place at the meeting mentioned in the following paragraph. The visit of the American parliamentarians to the Assembly would take place on Tuesday, 4th May, and to meet their wishes the sitting in the Assembly would be a special item on its Agenda and would therefore not come within the framework of the policy debate.

- On the morning of Wednesday, 5th May, there would be a private sitting of the Representatives of Congress and a delegation of members of the Assembly. The composition of the latter delegation had been fixed by the Standing Committee on the advice of the Bureau. At this meeting there would be a discussion on the question mentioned in the preceding paragraph.

The question of the participation of the Deputies in the Wednesday meeting between American parliamentarians and members of the Consultative Assembly was raised by one delegation. The Deputies felt that it would be better not to alter the strictly parliamentary character of the meeting.

The French Representative recalled that; at the last session of the Committee of Ministers in December 1964, it had been observed that any decision by the Committee of Ministers concerning meetings between American parliamentarians of the Council of Europe would be premature before the consultations at parliamentary level had reached a more advanced stage. He said that, although the legal basis of such meetings was not apparent, his Government nevertheless made no objection to them.

With regard to giving the Deputies information about this meeting, it was agreed to leave it to the President of the Assembly to take such action as he thought fit.

XXII. Date and place of forthcoming meetings

The Deputies agreed their future time-table as follows :

141st meeting of the Deputies (mainly to prepare for the 36th Session of the Committee of Ministers) : Thursday, 29th April, 10 a.m.

36th Session of the Committee of Ministers : Monday, 3rd May, 10 a.m.

142nd meeting of the Deputies : Monday, 24th May, 10 a.m.

143rd meeting of the Deputies : Monday, 28th June, 3 p.m.

144th meeting of the Deputies : Monday, 20th September, 10 a.m.

Having regard to the shortness of the interval before the next meeting and to the fact that, apart from item 3 (b), the very restricted Agenda for the 141st meeting is composed exclusively of matters already discussed at the present meeting, the Deputies agreed that they would not require notes on the Agenda.

XXIII. Other business

(a) Europe Day

(Concl. (64) 135, Point XIV (b), and letters D/1.290 of 22.2.65 and D/1.885 of 25.3.65)

Most of the delegations who spoke about current plans for the celebration of Europe Day in their countries pointed out that their Governments had only had time to make rather modest arrangements for the event this year. The following particulars were provided :

Switzerland : The Federal Council has sent the cantonal authorities a circular letter on the celebration of Europe Day. This year, the main events will take place in establishments for secondary and higher education. The radio and television services will take part in the event. The Swiss Broadcasting Corporation would like to share programmes with other European countries or receive outside assistance, and any initiative by the broadcasting organisations of other countries would be warmly appreciated.

Netherlands : The 5th of May is already a national holiday in the Netherlands, so Europe Day cannot be celebrated on that date. In any event, responsibility for the functions should be left to local authorities and such non-governmental organisations as the European Movement.

Federal Republic of Germany : The Federal Government has made recommendations to the *Länder* on the subject. The European Flag will be flown from public buildings. It would be appreciated if the Directorate of Information could supply the press and broadcasting services with material.

Austria : The necessary measures have not yet been decided. It seems that only very modest arrangements will be possible this year, as a number of days in May 1965 are already assigned to commemorative ceremonies.

Greece : The Greek Minister for Foreign Affairs will broadcast to the population. The European Flag will be flown over the tomb of the Unknown Soldier. A message will be read in Parliament before the adoption of the Orders of the Day. The press and educational establishments, to which the Minister has sent a circular letter, will give prominence to the European idea. In Athens, the Schuman Prizes will be formally presented to authors of works on European co-operation.

Ireland : The radio and television services have been asked to celebrate Europe Day. The Department of Education will bring the matter to the attention of school managers who alone are responsible for the manner in which Europe Day might be celebrated in their schools. It is expected that the local authorities will be associated with the arrangements. The European Flag, if available, will be flown from public buildings. Since the CCC is to consider the practical measures to be taken next year, it is to be hoped that the celebration of Europe Day will be more impressive in 1966.

Denmark : The position is much the same as in Ireland. The European Movement has expressed a desire to contribute to the celebrations.

Italy : Although the arrangements have not all been finished, there is reason to believe that Europe Day will be celebrated on a fairly large scale.

Sweden : The position is much the same as in Ireland and Denmark.

Norway : Large-scale functions are not to be expected this year, but the schools might do something to celebrate Europe Day.

France : The question is the subject of inter-departmental study, co-ordination between the Ministries of Education, Information and the Interior being effected through the Prime Minister. But the celebration of Europe Day will be on a rather modest scale this year.

United Kingdom : There has been little time to make arrangements for Europe Day in 1965, and they will therefore be on a somewhat modest scale. However, in subsequent years the European flag would be flown in Whitehall and Parlia-

ment Square. As for celebrations of local government level, all the suggestions and information in the Deputy Secretary General's letter of 22nd February have been sent to the Ministries concerned.

Turkey : Certain ceremonies will be held in connection with Europe Day. The Turkish Government have taken steps to procure European Flags.

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The Director of Information said that the Swiss Broadcasting Corporation had taken shots on the premises of the Council of Europe which would be used in two television programmes of half an hour each. The Council of Europe, moreover, had supplied Belgian television with a number of documentary films for use in a historical programme on the Council of Europe.

It was planned that the Turkish Minister for Foreign Affairs, as Chairman of the Committee of Ministers, would give a broadcast address on 5th May.

A bust of Sir Winston Churchill would be unveiled in the Council of Europe at noon. The ceremony would be recorded by French television and transmitted over the Eurovision network at 5 p.m.

The Director of Information said that he was at the service of the Governments to put them in touch with the suppliers of European flags and to provide them with documentary films. He hoped that delegations would keep him up to date regarding further arrangements made for the celebration of Europe Day.

(b) Air Pollution - First report of the *ad hoc* Committee (Concl. (64) 136 Point XVIII, Sub-head 54 of the 1965 Budget and Docs. CM (65) 41 and 42)

The Deputies examined the first report of the *ad hoc* Committee on Air Pollution and took note thereof.

A number of Deputies expressed their satisfaction with the manner in which the Committee had discharged its task.

The Irish Representative said that the "Information" Sub-Committee seemed to consist of too many experts and he felt that two meetings of two days each seemed unnecessary considering the Sub-Committee's terms of reference. The Deputies decided to instruct the Secretariat to inform that Sub-Committee of the wish of the Committee of Ministers that its work should, if possible, be concluded in a single two-day meeting.

The Danish Representative asked that, in general, the number of Sub-Committee meetings should be kept as low as possible.

The Secretariat was also instructed to inform the "Industries" and "Legislation" Sub-Committees of the offer of collaboration by the European Federation of Chemical Engineering.

On being informed of the programme of Sub-Committee meetings, the Deputies, as a first step, authorised the "Combustion", "Information" and "Legislation" Sub-Committees to meet in May.

The Deputies also authorised publication of the report of the Conference on the understanding that the cost should amount to approximately 10,000 F.

The Deputies accordingly decided to release the sum of 23,000 F. under Sub-head 54 of the Budget for the three Sub-Committee meetings mentioned above and 10,000 F. for publication of the Conference. It was pointed out that the 23,000 F. should also cover the travelling and subsistence expenses of an expert who was to consult with WHO at Geneva.

In accordance with the wishes of the *ad hoc* Committee, the Deputies agreed that representatives of OECD, WHO, the World Meteorological Organisation and the Economic Commission for Europe would be invited to attend the next and last meeting of the *ad hoc* Committee.

The Netherlands Representative stressed the importance of keeping in close contact with these organisations so that the experts of the Council of Europe were fully informed of the research work done there.

The Deputies also agreed to decide at their 141st meeting regarding the release of the credit still entered under Sub-head 54 of the Budget for

the purpose of holding the other meetings proposed in the programme of the *ad hoc* Committee and its Sub-Committees.

(c) International Centre for Advanced Mediterranean Agronomic Studies - Oral statement by the Deputy Secretary General

The Deputies heard a statement by the Deputy Secretary General on the progress of the International Centre for Advanced Mediterranean Agronomic Studies.

After recalling that this Centre had been established as the result of an Agreement between the Governments of Spain, France, Greece, Italy, Portugal, Turkey and Yugoslavia, signed at Paris on 21st May 1962, the Deputy Secretary General explained that this Agreement had now been ratified by the Governments of Spain, France and Greece and had therefore entered into force in accordance with the provisions of Article 14.

He recalled that the Centre, created under the auspices of OECD and the Council of Europe, had been in operation even before the entry into force of the Agreement, thanks to the special arrangements made between OECD and the Council of Europe and the Italian Government for the Institute at Bari, and the French Government for that at Montpellier.

Up to date the Centre had accepted 350 fellowship-holders from the following countries: Cyprus, Egypt, Spain, France, Greece, Israel, Italy, Jordan, Lebanon, Malta, Morocco, Portugal, Syria, Tunisia, Turkey, Yugoslavia. The value of the fellowships was 20,000 F. for the ten-month study period, and fellowships had been allotted in particular by France and Italy (40), OECD (15), FAO (3), EEC, *etc.*

The teaching staff included one Belgian, one Dutchman, one German and one Englishman.

The Deputy Secretary General stressed the political value of the fact that both the teaching staff and the student body were constituted without any philosophical, racial, national or religious discrimination. He also emphasised the close co-operation over the Centre not only between OECD and the Council of Europe but also with other international organisations, especially FAO and EEC, which had made important contributions.

After recalling that the Centre would always require fellowship-holders paid for by their Governments, the speaker dwelt on the value of the Centre, which was doing work of remarkable utility, and stressed the fact that the accession to the Agreement of new Council of Europe member States or contributions in the form of fellowships or teachers would give the Centre an enhanced significance which was politically profitable to Europe as a whole.

The French Representative, speaking in his capacity as a member of the Administrative Council of the Centre, said that, although it had found its balance from a legal standpoint with the entry into force of the Agreement, the Centre more than ever needed the support of all Council of Europe member countries. This was one of the most interesting of European achievements. Its value to Europe as a whole was due to the fact that its activities affected the least developed part of Europe and extended to other countries of the Mediterranean basin. The interest of the Governments could be shown in particular by their making teachers available to the Centre and providing study grants.

At the request of the Greek, Turkish and Cyprus Representatives, it was agreed that the Secretariat should send delegations full documentary material on the Centre's activities and prospects.

**(d) Statement by the Secretary General
on social questions**

The Secretary General made a statement on the measures which called for decision by the Committee of Ministers following the entry into force of the European Social Charter. He told the Deputies that a memorandum setting out the ideas developed in his statement would be sent to the Governments. It would also contain a draft Resolution on the application of Article 25 of the Social Charter. Governments would be asked to put in their suggestions for candidates by such a date as would enable the list to be circulated in time for the appointments to be made at the 143rd meeting of the Deputies.

The Secretary General added that, at a moment when an independent expert was undertaking a survey of the entire machinery of the Council of Europe in the social field, the situation had become extremely complex owing not merely to the entry into force of the Social Charter but also to the talks with the International Labour Office with a view to calling another Tripartite Conference and to the plans for a Conference of Ministers of Labour and Social Affairs which the Italian Government had suggested holding in Rome. He warned that there seemed to be some danger of an extremely confused situation arising.

The Italian Representative asked the Secretary General to send Governments a letter expounding these problems.

The Greek Representative announced that his country was about to ratify the Social Charter.