

# CONCLUSIONS OF THE HUNDRED AND THIRTY-NINTH MEETING OF THE MINISTERS' DEPUTIES

*held in Strasbourg from 1st to 6th March 1965*

*Present :*

AUSTRIA . . . . .	Mr. W. GREDLER- OXENBAUER Mrs. H. WOLFRAM
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. CAMILIERIS
ICELAND . . . . .	Mr. P. EGGERZ
IRELAND . . . . .	Mr. B. DURNIN
ITALY . . . . .	Mr. A. MARIENI
LUXEMBOURG . . . . .	Mr. J. WAGNER
NETHERLANDS . . . . .	Mr. W. PHILIPSE Mr. H. BIJL
NORWAY . . . . .	Mr. C. HOFGAARD
SWEDEN . . . . .	Mr. A. FÄLTHEIM
SWITZERLAND . . . . .	Mr. H. VOIRIER, <i>Chairman</i> Mr. H. LANGENBACHER 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 139th meeting of the Ministers' Deputies opened at 3 p.m. on Monday, 1st March, with Mr. H. Voirier, Deputy for the Swiss Minister for Foreign Affairs and Permanent Representative to the Council of Europe, in the Chair.

Before turning to the business of the meeting the Chairman paid a tribute to the President of the Federal Republic of Austria, Dr. Adolf Schaerf, whose death had occurred on 28th February, and, on the Deputies' behalf, express-

ed to the Austrian delegation the sincere condolences of all the other Council of Europe delegations.

The Deputy Secretary General, speaking for the Secretary General, associated himself with the Chairman's tribute. The Deputies observed one minute's silence in memory of the Austrian President and the Deputy Secretary General announced that the Secretary General would go to Vienna to attend the funeral.

### I. Adoption of the Agenda

The Agenda was adopted (Appendix 6)<sup>1</sup>.

### II. Statutory Report

The Deputies examined the draft of the Ministers' report for presentation to the Assembly in pursuance of Article 19 of the Statute and agreed on its final form.

They also agreed to supply the Secretariat by 15th March with details of the position as regards the ratification of the various Council of Europe Conventions and Agreements.

It was decided to discuss the question of the future preparation and presentation of the Ministers' report to the Assembly at a later date.

### III. Social Security - Report of the 21st Session of the Committee of Experts

(Doc. CM (64) 250)

The Deputies took note of the report of the 21st Session of the Committee of Experts, devoted chiefly to pursuing their examination of the draft European Convention on social security for foreigners and migrants.

<sup>1</sup> See page 207.

#### IV. Vocational Training

**(a) Report of the Selection Committee for grants for the vocational training of instructors on the results of the 1964 programme (Doc. CM (65) 15)**

Having heard the Secretariat's explanations, the Deputies took the decisions set out below in regard to the Selection Committee's suggestions contained in Document CM (65) 15.

The representative of the Federal Republic of Germany abstained in respect of all the proposals.

##### 1. Pre-selection of applicants

The Deputies approved the suggestion that an expert from the staff in charge of the centre in the host country should be sent to the recipient's country to assist in the choice of candidates. It was stipulated, however, that this system should apply to the selection of student-instructors only.

The representatives of Ireland, the Netherlands and Norway, without opposing this decision, expressed doubts as to the value or wisdom of the Committee's suggestion.

##### 2. Course for directors of centres

The Deputies did not approve the suggestion that a director, or his equivalent, from each of the recipient countries should be allowed to attend an information course in the host country. They thought that the practice would be regrettable as it would have the effect of reducing the number of grants awarded.

##### 3. Homogeneous groups

The Deputies approved the Recommendation that member countries be invited, when selecting student-instructors for grants, to take into account their previous training and their linguistic knowledge.

##### 4. Pocket-money for student instructors

The Deputies agreed to the Committee's proposal that grants to student-instructors be raised by 100 F. This increase, which would take effect only under the 1966 Budget, would not apply, however, to student-instructors who continued to receive a salary or other remuneration during their training.

#### 5. Title of the Committee

The Deputies decided that the Committee would be known henceforth as "Vocational Training Grants Committee" (*Comité pour les bourses de formation professionnelle*).

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As proposed by the United Kingdom Representative, it was agreed that the heading of point 7 of Document Bourses/FP 13 (1965) revised, appended to Document CM (65) 15, should be amended to "Timing of courses" in the English text.

**(b) European Research and Information Centre for Occupational Films (CERIFT)  
(Concl. (65) 138, Point X and Doc. CM (64) 217 and Addendum)**

The Deputies were informed that the Chairman of the Committee of Film Experts, who had been consulted as decided at the 138th meeting, had not yet replied as to whether he thought his Committee was qualified to give an opinion on the proposal to set up a European Research and Information Centre for occupational films and on the value of a preliminary discussion of the project by the Film Experts. They instructed the Secretariat to request the Chairman of the Committee of Film Experts to give a reply by 15th March. They decided to return to the question at the 140th meeting when they would also agree on the Ministers' reply to Recommendation 307 and to Mr. Radius' Written Question No. 118.

The representative of the Federal Republic of Germany thought that the matter should be referred to the Committee of Film Experts since, in his view, the opinion of the Chairman alone could not be decisive.

#### V. Nature Conservation - Report of the Committee of Experts

**(Concl. (65) 138, Point IX, Docs. CM (64) 253 and 254 and Doc. CM (65) 19)**

*Point 4 of the report of the Committee of Experts:  
Report of Working Party No. 1*

Ecological consequences of the intensive cultivation of conifers in the deciduous forest zone of continental Europe

The Deputies approved the experts' four re-

commendations. The Norwegian Representative abstained.

#### Fresh-water pollution

The Deputies approved the experts' three recommendations.

#### Sea pollution

The Swiss Representative announced that his Government would shortly be laying before Parliament a bill ratifying the 1962 Amendments to the 1954 London Convention. The Swedish Representative said that his country had ratified these Amendments and stressed the importance his Government attached to the matter.

#### Water conservation

The Irish Representative said that his Government was opposed to the experts' proposal for a study on water conservation.

The United Kingdom Representative said that, in his Government's view, the data on this subject had already been assembled and there was therefore no need for any further research.

Several delegations were against the engagement of consulting experts to assist the Committee of Experts in their work on this subject.

The Secretariat pointed out that the estimate of the expenditure involved was a very rough one but that a person who could make the proposed study had recently been approached and more specific information on this point could be given to the Deputies at their next meeting.

It was decided to place the matter on the Agenda for the 140th meeting of the Deputies.

#### General remarks on the activities of Working Party No. 1

At the request of the United Kingdom Representative, it was decided that the first of the supplementary subjects listed in the first paragraph of this point should be worded as follows in order to bring it into line with the Working Party's report: "Preparation of a map of natural potential vegetation in Europe".

#### Point 5 of the report of the Committee of Experts: Report of Working Party No. 2

#### Neusiedler See and Lake Constance

The Austrian Representative informed his colleagues that he would probably be able to let them have in writing, before their next meeting, the information which the authorities of Vorarlberg were to send him shortly on the Lake Constance wetland.

#### Point 6 of the report of the Committee of Experts:

#### European diploma for the protection of certain landscapes, reserves and natural features

The Deputies approved the draft Regulations appended to Document CM (65) 30 but decided, at the request of the Swiss Representative, to replace the word "to" in the second line of Article 1 by "for".

The Deputies accordingly adopted Resolution (65) 6, the text of which is to be found in Appendix 1, page 184.

#### Point 7 of the report of the Committee of Experts: Report of Working Party No. 3

#### European Information Centre for the conservation of nature and landscape

The Deputies instructed the Secretariat to consult some particularly qualified members of the Committee of Experts on the question of the organisation and financing of the proposed Centre. Not more than 1,500 F should be spent on these consultations.

It was left to the Secretariat to place the matter on the Agenda for some future meeting of the Deputies.

#### Point 10 of the report of the Committee of Experts:

#### Town and country planning

With regard to the recommendation of the Committee of Experts that one or two of its members who are ecologists be invited as Observers to the discussions to be held by the CCC on the protection and development of historic sites, the Secretariat explained that only one meeting would be involved and that the expenses would be charged to the 1966 Budget. At the request of the French Representative, the

Secretariat was instructed to draw up a memorandum stating the reasons why it would be useful for ecologists to attend the discussions.

The matter will be considered further at the 140th meeting of the Deputies.

*Point 11 of the report of the Committee of Experts :*

**Work of the European Conference of Local Authorities**

The United Kingdom Representative noted that the report of the Committee of Experts included, under this point, a proposal for a study of the part played by local authorities in the conservation of nature. Several delegations questioned the expediency of the appropriation intended for this study (part of the 10,000 F entered under Sub-Head 53 (b)).

It was decided that the matter would be placed on the Agenda for the 140th meeting of the Deputies.

*Point 12 of the report of the Committee of Experts :*

**Legislation concerning nature conservation**

The Secretariat explained that, owing to the linguistic difficulties involved in the research being done, the Committee of Experts recommended that two assistants be engaged for short periods rather than one for a longer period.

The Deputies approved this recommendation. The representatives of the Federal Republic of Germany and Turkey abstained. The Swiss Representative asked that the experts be informed of the United Kingdom Representative's concern that the work being done should lead to concrete results.

*Point 13 of the report of the Committee of Experts :*

**Conclusions of the European Conference on Air Pollution**

The Secretariat informed the Deputies that the Committee of Experts had appointed Mr. Tendon to represent it on the *ad hoc* Committee on Air Pollution should its recommendation on this point be approved.

The Deputies agreed to the establishment of liaison between Working Party No. 1 and the *ad hoc* Committee on Air Pollution.

*Point 15 of the report of the Committee of Experts :*

**Committee's future programme**

The Deputies approved the Committee's programme of meetings and the appointment of a panel on water conservation. The representatives of the Federal Republic of Germany and Turkey expressed their opposition to the appointment of the panel.

**Supplementary estimates**

The Deputies decided, in connection with their examination of the cost of the whole programme, to keep to the principle that the Council of Europe should bear the expenses for only one expert per committee. The United Kingdom Representative pointed out that this principle was already a departure from the practices of other international organisations where all experts were remunerated by their own Governments.

It was agreed that the appropriation of 17,500 F already earmarked for a second expert would be deducted from the supplementary appropriations allocated to the Committee of Experts on the Conservation of Nature and Landscape.

At the request of the Irish Representative, it was decided that the Secretariat should submit to the Deputies, at their next meeting, a revised estimate of expenditure for this item.

**VI. Road Safety - Standard accident form for European police reports**

(Concl. (63) 125, Point XV (b), Docs. CM (63) 201 and CM (65) 22)

As several delegations requested that discussion of this question be postponed until the 140th meeting, the Deputies agreed to hear a statement at that time by the Head of the Criminological Division, on the ECCP's position in regard to the matter.

In the interim, Governments would send to the Secretariat the comments of the national authorities concerned on the draft standard form proposed at the 4th International Congress of Traffic Police. To this end, they might consult a memorandum which the Swiss delegation would submit in the near future, specifying the objections raised during the meeting.

### VII. Problems raised by population trends in Europe

(Concl. (64) 134, Point VI, Docs. CDE/CO (65) 10 rev. and CM (65) 21)

The Deputies heard a statement by Mr. Bourgeois-Pichat, Chairman of the Organising Committee for the European Population Conference, on the programme and working methods of the Conference.

In reply to questions, Mr. Bourgeois-Pichat gave the following details:

- despite the scope of the programme, the length of the Conference would be sufficient as planned: it would be preceded by nearly two years of preparation, and, although every subject would be covered, discussion leaders would emphasise certain aspects whose paramount importance had emerged during the preparatory phase;

- the demographic analysis of labour forces might form a separate item for discussion, but the question was implicit in points III, 1, 5 and 7 of the 4th general subject;

- the total of 125 participants did not include Observers, whose number could not be accurately estimated; some overlapping had to be expected moreover, between the different categories of participants, as the organisers were to ask Governments to appoint as delegates the contributors they had chosen;

- although there would be only one half-day's discussion of the 5th general subject, it would in fact underlie the discussions throughout the Conference, whose primary aim was to establish a programme of joint research;

- the conclusions of the Conference would be addressed to the Committee of Ministers.

The Deputies approved the Organising Committee's proposals for the programme, working methods and financing of the Conference (Doc. CDE/CO (65) 10 revised). They decided to consult the Budget Committee on the draft budget based on those proposals (Doc. CM (65) 21).

### VIII. Treatment of Legal Persons Draft European Convention on the establishment of companies

(Concl. (65) 138, Point V, Docs. CM (64) 77, 238 and Addendum)

The Deputies resumed their consideration of the draft European Convention on the establishment of companies (Doc. CM (64) 77).

The representative of the Federal Republic of Germany said that the draft was still under study by the authorities in his country. The complexity of the examination procedure was due to the federal structure, since under the constitution the Governments of the *Länder* had to be consulted.

The French Representative confirmed his statement at the 138th meeting that the authorities in his country were at present investigating the effect that the instrument might have on other treaties or conventions.

The Austrian Representative said that his Government did not oppose the opening of the Convention for signature although it was still under study by the authorities. However, the Austrian Government thought that it would be preferable to open the Convention for signature as late as possible.

The representative of Iceland confirmed that his Government had no objection to the Convention being opened to signature although he could not state exactly when they would sign it.

The Norwegian Representative said that, before referring the matter to Parliament, his Government preferred to know the attitude of other member Governments.

The Swiss Representative said that the instrument was still under study by the authorities in Switzerland and that the procedure was complex chiefly by reason of the cantonal structure of the Swiss Confederation.

It was pointed out that, when preparing their report for the Committee of Ministers (35th Session) on harmonisation and the preparation of European standards, after mentioning that such

"European standards" had already been laid down through the European Convention on Establishment (not yet in force at that time) and the European Convention on the establishment of companies (not yet signed), the Deputies had shared the view of the Committee on Legal Co-operation that it was greatly in the interest of member States that these Conventions should enter into force in as many countries as possible and as soon as possible (see Doc. CM (64) 244, Appendix A).

Having heard the remarks of the Deputy Secretary General on the advantages from the point of view of European unification of this Convention coming into force, particularly for countries that were not Members of the Communities, the Deputies agreed to return to the question at their 143rd meeting, when they would be asked to fix the date on which the Convention was to be opened for signature by member Governments.

It was also agreed that Governments unable to sign the Convention would at least report on the progress being made by the authorities in examining it.

#### **IX. Production and marketing of vine products and spirits -**

##### **Activities of the Committee of Experts**

(Concl. (64) 134, Point XXXIII (h) and  
Doc. CM (64) 230)

The Deputies engaged in a general discussion on the activities of the Committee of Experts on the Production and Marketing of Vine Products and Spirits.

The Italian Representative said that his Government was not satisfied with the progress being made by the Committee of Experts in its present form: private interests were becoming more and more evident. He drew attention to the fact that some confusion had arisen in the Committee, especially with regard to the exact definition of terms such as "wines" and "vermouth" and the expression "protection of appellations of origin". He said that the authorities in his country were consequently in favour of a single Convention with four Annexes (wines, spirituous liquors, cider and beer).

At this point the United Kingdom Represent-

ative made the proposal which is summarised in paragraph (a) below.

After recalling that the original terms of reference of the Committee of Experts were to prepare a Convention on wines and spirituous liquors, the Danish Representative said that, in the view of his country's experts, the work on the texts for such a Convention could be completed in two one-week meetings of the Committee of Experts.

He accordingly proposed that the Committee go on with its work in its present form, adding that its terms of reference, as well as its membership, should be very precisely defined. To this end he asked that further discussion of the question be postponed until the 140th meeting.

The Netherlands Representative said that his country was in favour of one Convention with four Protocols. He could not agree to the "linking clause" of Article 11 of the present draft. In an effort to resolve the present difficulties he went on to make the proposal given under (b) below.

In reply to a question by the Danish Representative, the representative of the Directorate of Legal Affairs said that the great majority of the Committee of Experts had interpreted the terms of reference very broadly, as entitling them to deal with wines, spirituous liquors, ciders, beer and other fermented beverages. He mentioned that paragraph 7 of Document CM (64) 230 had been added at the request of the delegations representing the six Common Market countries.

The Belgian Representative said that the authorities in his country were in favour of a single Convention with four Annexes (wines, spirituous liquors, ciders, and beer), taking the view that it was a question of inter-sector compensation. There would be little point in the Belgian Government accepting the "linking clause" in Article 11 of the preliminary draft Convention, as measures to implement the first legal instrument could not be taken until the second Convention had been drafted.

The Irish Representative said that his Government were anxious that agreement should be reached to conclude a Convention on wines and spirituous liquors as soon as possible. The main cause of the difficulties which had arisen

in the Committee was the excessive size of delegations. He consequently proposed that the number of participants at future meetings be limited. He asked that the decision on the programme of activities of the Committee of Experts - that is, whether they should finish drafting a Convention on wines and spirituous liquors, or adjourn their work temporarily - be postponed until the next meeting.

The Norwegian Representative, approving the proposal of his United Kingdom colleague, said his Government were of the opinion that delegations to the Committee of Experts should also include officials from the Ministries of Commerce or Economic Affairs of member Governments, so that these departments could have a part in the drafting of legal texts whose economic aspects were manifest.

In the course of the discussion, the representatives of France, the Netherlands and the United Kingdom submitted the following proposals with a view to a compromise agreement on the procedure to be followed in order to reach a solution of the problems as a whole.

**(a) Proposals of the United Kingdom delegation**

The United Kingdom Representative said that in the view of his authorities the time had come to review the work so far done by the Committee of Experts. Their mandate had included an instruction "to prepare . . . a draft Convention which would lay down the general lines of a common policy for the production and marketing of vine products and spirits, and for the protection of trade names which are warranties of origin".

The Committee had taken six years to produce the draft text shown in Document CM (64) 230. Some important points of this text had not been adopted or even discussed in the Committee, and in some respects the text was incomplete. For instance, in the Convention proper the following provisions had not been examined by the Committee: Article 2, paragraphs 3 and 4; Article 6, paragraphs 1-4; Articles 7-18; and Article 8 was incomplete.

Moreover, some of the provisions recently written into the draft text would, in the view of the Government of the United Kingdom, seriously reduce the effectiveness of the Convention. The main examples were Article 2, paragraph 2, of the Convention proper concerning exceptions to "free movement" and certain versions of Article 4 of the Convention, on the protection of geographical names. As for Article 2, under its first paragraph, products originating in the territory of any Contracting Party and complying with the Convention proper and Annexes were to be allowed free movement into and inside the territories of other Contracting Parties. However, the practical effect of the second paragraph of this Article was that virtually any existing national restrictions would continue unchanged. This seemed to be far removed from the "common policy" referred to in the Committee's terms of reference. As for geographical names, certain countries like France and Italy protected these names absolutely. In France, it was done by a specific decree for each wine or spirit's name, setting out in detail the conditions that a product must fulfil in order to be legally entitled to bear that name. Other countries, including the United Kingdom, left cases concerning geographical names for their national courts to settle. In the interest of obtaining a worth-while Convention the United Kingdom was ready to contemplate the alteration of the present national system for wines and spirits into something like the French system. However, certain countries had proposed a formula which would mean that, if they wished to avoid the obligation concerning geographical names, all they had to do was to offer to enter into discussion with one or more other country with a view, but under no obligation, to reach agreement. The first and third versions of Article 4 were in the view of the British authorities of little if any value.

These were fundamental differences of national policy and until they were solved there was no chance of technicians agreeing on a Convention of any value. For the same reason, there was in the view of the Government of the United Kingdom no chance at present of the Ministers' Deputies doing any better or of achieving anything by reference back to their Governments.

The United Kingdom Government were very

anxious to get a worth-while Convention and not to lose the work already done by the Committee of Experts. They therefore suggested that the whole matter be put into cold storage for a while, one year, 18 months, perhaps 9 months; anyhow, until the Ministers felt that there was a reasonable chance of a successful outcome.

**(b) Proposals of the Netherlands delegation**

As the working methods of the Committee had not proved successful, the Netherlands Government suggested :

(a) that the draft Convention be entrusted to six independent experts (three for wines, three for spirituous liquors), with instructions to make proposals to supplement and amend it by the end of 1965;

(b) that the results of their work be submitted, together with the existing text of the draft Convention, to member Governments and Observers, with a request for their comments within six months;

(c) that the six experts then draw up a new draft Convention;

(d) that the new draft be submitted to Governments with the request that it be discussed at a conference which might be held in, say, November 1965, at which the heads of delegations would have full powers to take decisions, in order to find solutions for any remaining points of divergence;

(e) that the expenses of the six experts in 1965 be paid out of the blocked appropriation of 107,000 F.

**(c) Proposals by the French delegation**

Although not rejecting the proposal of the United Kingdom delegation to put the Committee of Experts into cold storage, the French delegation thought that Governments should attempt to reach agreement on a new definition of the terms of reference of any body which might one day undertake to draft a Convention on wines and spirits, before the proposals put forward by the delegations of Denmark and the Netherlands were examined.

In the absence of a preliminary understanding as to the aims and framework of such an instrument, any practical solution might well be doomed to failure, and thereby destroy all hope of producing a text in the Council of Europe. This attempt to define new terms of reference would also give the Governments time to reach agreement, either bilaterally or through the European economic organisations.

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The Deputies agreed to submit these proposals to the authorities in their countries. They further decided to inform the Secretariat as soon as possible of the attitudes of their Governments, so that their respective national authorities could be informed of the comments or proposals made by other member countries.

It was accordingly decided to review the entire matter at their 143rd meeting.

**X. European Convention for the Peaceful Settlement of Disputes**

(Concl. (65) 138, Point XXII (g) and Doc. CM (65) 11)

The Deputies examined the question of the early and full ratification of the European Convention for the Peaceful Settlement of Disputes (Doc. CM (65) 11).

The Swiss Representative said that the Federal Council had addressed a message to Parliament with a view to the ratification of the Convention, which could be expected in the autumn.

The Netherlands Representative stated that his country had ratified the Convention on 7th July 1958, with the exception of Chapter III as provided for in Article 34. His Government could not accept Chapter III since according to its provisions the very existence of the State might be involved, and it did not seem right that such matters could be submitted, at the wish of a foreign State, to a binding verdict of a small group of persons.



The Swedish Representative said that his Government had ratified the Convention in 1957, with the exception of Chapter III. The Swedish Government did not think that the chapter as it stood could serve the cause of international arbitration. They had presented proposals to remedy certain defects in the Convention and in particular wished to entrust to the Committee of Ministers the decision as to which conflicts lent themselves to arbitration and which did not. These proposals had not received the support of the majority of Governments. On the other hand they had been sympathetically received by the Consultative Assembly. Now, the Committee of Ministers had also rejected the Assembly's compromise solution which, however, would have opened up new possibilities in international arbitration and enabled the Committee of Ministers - and hence the Council of Europe - to move on to an important stage in a sphere which was essentially its own, namely the elimination of the germs of conflict between European States.

The Irish Representative said that the question of ratification was being studied by the authorities in his country. There were at present, however, certain internal difficulties preventing the ratification of the Convention.

Having regard to the urgent nature of the point raised by the Assembly, the Deputies decided to send the President of the Assembly a provisional reply concerning the attitude of certain Governments on the subject (Appendix 7)<sup>1</sup>.

The Deputies agreed to resume consideration of this question at their 143rd meeting when they would report on their Governments' views and the stage reached in the matter in their respective countries.

Having recalled the antecedents of the Convention, the Deputy Secretary General stressed the desirability of its ratification and in particular that of Parts II and III by the largest possible number of countries as well as the need to review certain of its clauses.

It was agreed that before the 143rd meeting the Swedish Representative should submit a memorandum setting out the proposals previously made by his Government with a view to giving more substance to Chapter III of the Convention.

#### **XI. The Hague Conference on Private International Law - Release of appropriations under Sub-Head 49 of the Budget**

(Concl. (65) 138; Point III (a))

The Deputies resumed their consideration of the request by the Secretary General of the Hague Conference for the refund of certain expenses incurred in carrying out work in connection with the expanded legal programme (see Doc. CM (64) 242, page 5).

Following a two-thirds majority vote the Deputies decided to make available the sum of 7,500 F entered under Sub-Head 49 of the 1965 Budget to enable the Conference to proceed with the work in hand.

#### **XII. European Committee on Crime Problems**

(a) **Publication of the Resolution, report and questionnaire on suspended sentence, probation and other alternatives to imprisonment**

(Concl. (65) 138, Point VI)

The Deputies resumed examination of the question of the publication of the Resolution, the report and member countries' replies to the questionnaire on suspended sentence, probation and other alternatives to imprisonment.

The French Representative made the following general remarks: The Resolutions adopted by the Ministers' Deputies often represented majority opinions on crime problems. Account must also be taken, however, of the views of the minority; for example, the Governments' views may frequently be contradictory for political, social or merely doctrinal reasons.

The French authorities considered that the systematic publication of all these texts tended regrettably to stimulate a current in favour of certain views to the detriment of others. Consequently, the French Representative could not approve the systematic publication of all the documents accompanying the Resolutions. He could, however, agree to the publication of the replies of member countries to the questionnaire.

1. See page 209.

The Belgian Representative made a reservation to the effect that the Belgian Government could not approve the publication of the Governments' replies to the questionnaire.

The representatives of Austria, Cyprus, the Federal Republic of Germany, Iceland, Ireland, the Netherlands, Sweden and the United Kingdom expressed themselves in favour of the publication of the Resolution accompanied by the related documents.

The Deputies declared themselves favourable, in principle, to the publication of the said texts which would, however, be submitted in draft form to the Committee of Ministers for approval.

**(b) Draft Resolution on remand in custody  
(Doc. CM (65) 16)**

The Deputies examined the draft Resolution on remand in custody in the light of a general commentary presented in Document CM (55) 16.

The representatives of Belgium, Cyprus, Denmark, Greece, Iceland, Ireland, the Netherlands and Norway approved the draft Resolution prepared by the ECCP.

The Swiss Representative said he could not express an opinion on this legal text since it was still under study by the authorities in his country.

The Austrian Representative proposed the following amendments to the aforesaid draft Resolution:

**(a) Point 1 (d) :**

Replace the expression "It must *immediately* be communicated" by the words "It must be communicated *promptly*".

**(b) Point 1 (e) :**

Proposal concerning the limitation of remand in custody in the case of risk of collusion.

**(c) Point 1 (g) :**

Proposal concerning surveillance in the home.

In reply to a request for further clarification the representative of the Directorate of Legal Affairs explained that surveillance in the home was a measure which, while obviating the imprisonment of the accused in certain cases (minors, elderly persons, pregnant women, invalids), restricted the full exercise of his freedom. The accused, instead of being taken to prison, remained at home, provisionally, under arrest (see Doc. CM (65) 16, page 12).

The Deputies agreed to resume consideration of the draft Resolution at their 140th meeting, in the light of the information supplied by the Austrian Representative.

**(c) Psychiatric or medical treatment of mentally or physically handicapped persons  
(Doc. CM (65) 17)**

The Deputies examined the ECCP's conclusions concerning the psychiatric or medical treatment of mentally or physically handicapped persons, in the light of the general commentary presented in Document CM (65) 17.

Following a discussion, the Deputies approved the ECCP's conclusions in the matter, namely:

**(a)** that it was not advisable, at least for the present, to submit a draft Resolution to the Committee of Ministers on the psychiatric or medical treatment referred to above;

**(b)** that no further action should be taken in the matter for the time being;

**(c)** that a full investigation of the question should be made in conjunction with the United Nations, once the latter had prepared their draft questionnaire.

### **XIII. Human Rights**

**(a) Draft Protocols to the European Convention on Human Rights  
(Concl. (65) 138, Point VII (a) and Doc. CM (64) 222)**

**(i) Protocol No. 5**

The representatives of Cyprus, Denmark, the Federal Republic of Germany, Ireland, the Netherlands, Norway, Sweden and Turkey said they could approve the Protocol.

The Austrian Representative observed that the form of inter-governmental agreement envisaged appeared to be contradictory to his country's constitutional system. Following an indicative vote (result : 11 in favour and 3 abstentions) and explanations by the Secretariat regarding the significance of the new form given to this instrument, the Austrian Representative moved that consideration of the question be deferred until the next meeting pending the receipt of further instructions from his Government.

It was so decided.

(ii) *Protocol No. 6*

The representatives of Norway, the Netherlands and Turkey having stated that their Governments could not accept this Protocol, the Deputies instructed the Secretary-General to inform the Court of Human Rights that the Committee of Ministers was unable to approve its proposed amendment to Article 43 of the Convention (see draft letter, Doc. Misc. (65) 5).

(b) **Publication of the reports of the Committee of Experts on Human Rights relating to the 2nd, 3rd and 4th Protocols to the European Convention on Human Rights**

(Concl. (65) 138, Point VII (b) and Doc. CM (64) 221)

The Deputies authorised the publication of the said reports in the conditions set out in the Secretary General's draft letter (Appendix 8)<sup>1</sup>.

(c) **Procedure for the election of Judges of the Court**  
(Docs. CM (65) 7 and 32 revised)

After examining a note from the Netherlands delegation (Doc. CM (55) 32) amending the text on page 4 of Document CM (65) 7, the Deputies agreed to resume consideration of this question at their next meeting.

**XIV. Salaries - Cost-of-living increase**  
**30th report of the Co-ordinating Committee of Government Budget Experts**

(Concl. (65) 138, Point XXII (f) and Doc. CM (65) 10)

The Deputies approved the 30th report of the Co-ordinating Committee of Government Budget Experts (see Appendices I and II to Document CM (65) 10) which recommends raising the cost-of-living allowance paid to the staff of the four organisations with their headquarters in France from 12% to 15.5%, with effect from 1st January 1965.

1. See page 210.

It was noted that the cost of this increase would be 462,000 F but that it was not proposed asking for supplementary appropriations at the present stage as the whole question could be reconsidered when the Co-ordinating Committee's conclusions in regard to the general review of salaries referred to in paragraph 7 of their report were known.

*The Deputies adopted Resolution (65) 7, the text of which is to be found in Appendix 1, page 186.*

**XV. Installation Allowance**  
**Change in the refund procedure**

(Concl. (65) 138, Point XXII (e) and Doc. CM (65) 1)

The Deputies resumed their consideration of the Secretariat proposal for the amendment of Article 6 (d) of Resolution (51) 1 (see Document CM (65) 1). The Director of Administration stressed that the chief object of the proposal was to change the manner in which the portion of the allowance to be refunded was to be calculated when staff members left the organisation before completing two years' service.

The United Kingdom Representative said that the arguments advanced in Document CM (65) 1 did not seem very convincing and he thought that the matter should be considered by the Consultative Committee of Secretaries General with a view to its being referred, if need be, to the Co-ordinating Committee of Government Budget Experts.

As the provisions in force at the Council of Europe had been changed on a previous occasion following a decision by the Co-ordinating Committee, the representative of Denmark thought that the Committee should be informed of the Council's intention to amend them again. He accordingly supported his colleague of the United Kingdom.

The Deputies decided to agree to the Secretariat's request and accordingly amended Article 6 of Resolution (51) 1 to read as follows :

"A member of the staff whose contract is terminated during the probation period or who resigns before completing two years' service, shall repay to the Council a sum *proportionate to the time remaining before the expiry of this two-year period.*"

They directed the Secretary General to notify the Co-ordinating Committee of this decision.

#### XVI. Pensions Scheme

(Concl. (65) 138, Point XXII (a), Docs. CM (64) 251 and CM (65) 20 and 29)

Several delegations said their Governments were anxious for the matter of the pensions scheme for Council of Europe staff to be settled quickly. Some said their Governments believed that the Committee of Experts could move ahead rapidly if, as was desirable, the scheme proposed were similar to that of the European Communities.

The Deputies agreed to set up a Committee of Experts and adopted Resolution (65) 8, the text of which is to be found in Appendix 1, page 188.

Some delegations remarked that the work of the Committee of Experts might be facilitated if Government participation were restricted to those delegations capable of making an active contribution to the work. They pointed out that the highly technical nature of this Committee's work would make it difficult for representatives of their Governments to take part in it and, in any event, they would subsequently be asked to decide upon the Committee's conclusions and proposals.

Other delegations thought, on the contrary, that because of the financial aspect of the Committee's work, which was a major consideration, Government representation on it should be as full as possible.

The Deputies observed that it was for Governments alone to decide whether or not it would be useful for them to be represented on the Committee. The Director of Administration announced that the Committee would be convened on 29th March for a meeting of not longer than two or three days.

The Secretary General was authorised to invite a representative of the Communities to attend meetings of the Committee.

Concerned that the Committee should function smoothly, the Deputy Secretary General stressed that the terms of paragraph 3 of the Resolution made any invitations addressed to "certain international organisations" optional.

#### XVII. Appeals Board

(Concl. (64) 136, Point XXI and Doc. CM (64) 239)

The Deputies proceeded with their examination of the revised draft of Article 25 of the Staff Regulations and of the draft Statute of the Appeals Board (Doc. CM (64) 114).

##### 1. Revised draft of Article 25 of the Staff Regulations

The Deputies adopted a new version of Article 25 of the Staff Regulations, reading as follows :

1. Staff members, former staff members or duly qualified claimants to their rights may apply to the Secretary General for the withdrawal or amendment of an individual decision applicable to them which they consider to be contrary to the Staff Regulations, the administrative rules or the relevant terms of appointment.

The application shall be made in writing within thirty days of the date of notification of the decision in question. This period shall, however, be extended to ninety days in the case of an application by the duly qualified claimants to their rights. The Secretary General shall be allowed thirty days from the date of receiving the application in which to give a decision thereon. This period shall, however, be increased to sixty days if the application is submitted, for an opinion, to the Committee referred to in paragraph 2 below.

2. At the request of the staff member in his application or on the initiative of the Secretary General, the application shall be submitted, for an opinion, to an Advisory Committee on Disputes which shall be set up by the Secretary General and shall be completely independent in the exercise of its duties.

This Committee shall comprise three members of the Secretariat, one of whom shall be nominated by the staff. The Secretary General shall lay down rules governing the functioning of the Committee.

3. If the Secretary General rejects an application or gives no decision thereon within the time-limits provided for in paragraph 1 above, the staff member concerned may lodge an appeal to the Appeals Board set up for this purpose by the Committee of Ministers. The Statute of the Board is attached hereto.

4. The execution of a disputed decision shall not be suspended pending the consideration of an application or appeal filed in accordance with paragraphs 1 and 3 above.

## 2. Draft Statute of the Appeals Board

The United Kingdom Representative asked whether the word "organisation" in paragraph 10 of Document CM (54) 114 included the Partial Agreement and the Resettlement Fund. The Director of Administration replied in the affirmative.

Following a discussion during which the Secretariat supplied the necessary explanations concerning the various points of the Draft Statute which delegations felt required clarification, the Deputies adopted the text as reproduced in Document CM (64) 239, with the exception of paragraph 2 of Article 6 for which the delegation of the Federal Republic of Germany proposed the following:

"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."

Asked by the Deputies for his opinion on this text, the Director of Administration said that paragraph 2 of Article 6, proposed by the Secretariat (Docs. CM (64) 114 and 239) was identical to the corresponding provision of the Statute of the Appeals Board of OECD, and of the Administrative Tribunals of the United Nations and the International Labour Office.

The Deputy Secretary General pointed out that, if the amendment proposed by the delegation of the Federal Republic were incorporated in the Appeals Board Statute, it might give rise to serious difficulties.

The Deputies agreed to return to this question at their 140th meeting when they would also settle the matter of the remuneration of members of the Appeals Board. It was likewise decided to fix the membership of the Appeals Board at the same meeting. Delegations agreed to communicate to the Secretariat their proposals for the appointment of members as promptly as possible.

With regard to the remuneration of members of the Board, the Netherlands Representative proposed fixing it at 150 F, this amount to include the subsistence allowance.

The Deputy Secretary General informed the Deputies of the decision of the Council of OECD on 5th March 1963 fixing the amount of the remuneration of members of the Appeals Board and the conditions of its payment as follows:

"The Chairman and members of the Appeals Board and the substitute members shall be experts of the Council 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 in the Paris area the subsistence allowance prescribed in Article 9/1 of the Regulations for Council Experts and Consultants shall be paid at the rate fixed for Category III."

## XVIII. Office of the Clerk of the Assembly Requests for the creation of new posts

(Concl. (65) 138, Point XIII and Doc. CM (65) 4)

The Deputies heard a statement by the Clerk of the Assembly concerning the request for the creation of an A5 post and two A2/A3 posts in the Office of the Clerk.

It having been asked whether one of these posts would be assigned to the local authorities section, the Clerk replied that, as stated in Document CM (65) 4 on the administrative organisation of the Office of the Clerk, one of the A2/A3 posts would be used to strengthen the local authorities secretariat and would also assist the secretariat of the Cultural and Scientific Committee, in particular with regard to the Scientific Sub-Committee.

The Secretary General emphasised the amount of work to be accomplished in the field of local authorities and the need to strengthen the basic structure of the staff during the current Secretariat investigation of the entire question of local authorities.

The Netherlands Representative said he was in favour of the proposals to create the new

posts and added that he would like to know the opinion of the Budget Committee concerning the administrative organisation of the Office of the Clerk. (In addition, referring to the provisions in sub-paragraphs (d) and (e) of Article 38 of the Statute, on the evaluation of expenditure entailed by Assembly requests which exceeded the amount allocated in the Budget, or were likely to lead to additional expenditure, he thought it would be useful to be informed of the consequences of new tasks undertaken by the Assembly as they arose. This contact might possibly be between the Chairman of the Deputies and the President of the Assembly and might lead in future to a proper division of tasks between the Committee of Ministers and the Assembly.

The United Kingdom Representative suggested that the problem of the excess work load in the Office of the Clerk should not be dealt with in this piece-meal way. The Office was operating very much on the lines of 1949 and the time had perhaps come for a comprehensive review of its structure and organisation in close co-operation with the Assembly.

The Belgian Representative supported the Secretariat's proposal to create new posts as his Government felt that it was important to give the Assembly an administrative staff adequate to its ever-growing volume of work.

The Austrian Representative was in favour of the creation of the three posts and supported the views of his Netherlands colleague; he seconded the request of the United Kingdom Representative for an investigation of the work of the Office of the Clerk. After remarking that relations between the organs of the Council of Europe had improved in recent years, he added that they could be made still better by closer co-operation between the Committee of Ministers, the President of the Assembly, the Secretary General and the Clerk of the Assembly.

The Deputies approved the creation of one A5 post and two A2/A3 posts in the Office of the Clerk of the Assembly.

The French Representative said that he interpreted the decision to create a third post of Head of Division in the Office of the Clerk as meaning that they had abandoned the linear structure maintained hitherto in favour of a pyramidal structure.

After thanking the Deputies for the decision they had just taken, the Secretary General point-

ed out that with the new structure of the Office of the Clerk and the formation of the "Planning Unit", it would in future be possible to respond more effectively to the concern expressed by some delegations at the expansion of the Assembly's activities. He stressed that this expansion was not solely the result of increased Assembly activities in new fields, but also of encouragement received from Governments.

The Deputies agreed to discuss the investigation of the work of the Office of the Clerk and the activities of the Assembly, suggested by a number of delegations, and the question of closer co-operation between the Committee of Ministers, the Assembly and the Secretary General, at a later stage, as prompted by the Secretary General.

Recalling that in addition to the three posts which it had just been decided to create, Assembly Opinion No. 41 also requested the creation of two B2 posts, only one of which had been granted under the 1965 Budget, the Clerk of the Assembly asked the Deputies to approve the creation of the other B2 post.

The Norwegian Representative considered the request logical and was in favour of it.

Pointing out that this point was not mentioned in the memorandum submitted on the organisation of the Office of the Clerk, the Deputies refused the request.

#### **XIX. European Conference of Local Authorities**

Before proceeding with the discussion of the points grouped under this heading, the Deputies heard a statement by the Secretary General on the general problems existing in the sphere of local authorities.

As the Secretary General had informed the Deputies at their 138th meeting, a senior member of the Secretariat staff had been instructed to make a thorough investigation of all the activities of the Council of Europe in connection with local authorities. This staff member, who, for the purposes of the investigation, was responsible to the Secretary General alone, had already made a discovery which would not surprise the Deputies, namely that the greatest confusion prevailed in this field. An analysis of the present situation ought to make it possible to pinpoint its weaknesses with accuracy and to propose appropriate remedies before the end of the year.

The confusion arose in the first place because the activities in question were being carried on simultaneously at two very different levels, that of propaganda on behalf of local authorities and that of co-operation between Governments and local authorities. It was essential to separate these two spheres of activity, strengthening the latter and discouraging the former.

Another source of difficulty lay in the complexity of a procedure which involved the intervention, in addition to that of the European Conference of Local Authorities and its organs, of the Assembly Committee on Local Authorities, the Assembly itself and the Committee of Ministers. The excessively technical and unrealistic nature of most of the Resolutions of the Conference did not facilitate the task of the Committee of Ministers which, having no Experts competent in the matter, was not equipped to deal adequately with such texts.

Lastly, the part played within the Conference by non-governmental organisations (Council of European Municipalities and International Union of Local Authorities) whose aims differed from those of the Council of Europe was a new source of confusion.

The Committee on Local Authorities had realised without difficulty that changes were needed to make possible co-operation with Governments. It was also clearly aware of the need to distinguish what was feasible from what was impracticable and to act accordingly.

At Luxembourg, the Secretary General had at first encountered a manifest lack of understanding on the part of the Council of European Municipalities. "What do you want experts for?" he had been asked. "We are the experts". However, the President of the Council of European Municipalities had perfectly appreciated the great interest of the proposals submitted to him and was to send the Secretary General a memorandum on the subject. The Secretary General intended putting the same ideas to the Executive Committee of the Conference which was to meet shortly at Innsbruck.

The letter from the President of the Conference contained requests which were not unfounded but it would be premature to accede to them since the conclusions of the investigation undertaken would propose a new Secretariat structure

for handling local authorities activities. The Committee of Ministers had just decided, moreover, to create a number of new posts in the Office of the Clerk among which was one A2/3 post to be assigned to the Local Authorities section in replacement of a temporary post.

The investigation ought to bring out the part the Council of Europe could play in the field of local authorities. Reform was certainly necessary or, if it appeared that the prospects did not warrant the expense, these activities would have to be considerably reduced. The importance of local authorities did not escape the Secretary General and he was optimistic as to the outcome of the investigation. It was none the less true that Governments could not allow the present state of affairs to continue.

(a) Texts adopted by the Conference at its 5th Session

The Netherlands Representative asked that the discussion of the texts be of a preliminary nature only. It could be resumed subsequently in the light of the final instructions given by Governments.

After noting that some of the Resolutions adopted by the European Conference of Local Authorities were still under consideration by the Consultative Assembly, the Committee of Ministers decided to discuss only those for which the Assembly had adopted a final opinion, *i.e.* Resolutions 43, 44, 50, 51, 52 and 53.

(i) *Resolution 43* - Regional planning and the conservation of nature and landscape (Assembly Opinion No. 42)

The Deputies remarked that the recommendations in this text were not very realistic. They thought that the Conference should be informed of their past decisions and current work in the field and should be told that the entire Resolution, and especially Item 4 of Part B, was inopportune. They adopted the following draft reply to the Resolution, the final version of which would be fixed at their next meeting:

"The Committee of Ministers consider it manifestly impossible to take action on some of the recommendations made in Resolution 43. In particular, they regret that the Conference should have asked Governments to set up a new body, for which there is absolutely no need (Part B, 4).

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

- 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 Landscapes ;

- they have decided to provide two assistants, each for a period of 3 to 6 months, to help the consulting expert on questions of nature conservation legislation ;

- they have approved the working programme drawn up by the Committee of Experts on the Conservation of Nature and Landscape."

(ii) *Resolution 44* - Regional planning and the preservation and development of ancient buildings and historical or artistic sites (Assembly Opinion No. 42)

The Deputies approved the reprinting of 500 copies of the brochure on this subject produced by the Consultative Assembly and their distribution to local authorities, at a cost not to exceed 1,000 F. In this connection, the French Representative spoke against the practice of submitting large numbers of requests for supplementary appropriations during the year for matters which were neither urgent nor important enough to warrant them.

Discussion of the remainder of the Resolution was deferred until a later meeting when it would be considered in the light of the activities of the CCC.

(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 the Conference (Section A of Opinion No. 43)

#### A. Local autonomy

The Deputies agreed to adopt the final version of their reply to the Conference on this mat-

ter at their 140th meeting. A draft reply was prepared as follows :

"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."

#### B. European Communities

After hearing the comments of the representatives of Ireland, Norway, France and the Federal Republic of Germany, and those of the representative of the Office of the Clerk, the Deputies considered it preferable to take no decision in this matter until the Secretary-General had concluded his study of the entire question of local authorities.

The representative of the Federal Republic of Germany said his Government was opposed to this part of Resolution 50, as it had been to Resolutions 24 and 25 of the 4th Conference, the subject of which had been related, if not identical.

#### C. Regional planning and policy

The Deputies decided to discuss this part of Resolution 50 in conjunction with the ten Resolutions on regional planning adopted by the Conference, after the Assembly had expressed its opinion on these texts (Resolutions 39 to 48).

#### D. Cultural questions

The Deputies observed that under this heading the Conference was dealing with both European intermunicipal exchanges and the representation in the CCC of delegates from the Conference.

- With reference to the question of European



intermunicipal exchanges, the Deputies observed that the Conference had overstepped their framework and moved into quite a different framework where the Committee of Ministers did not intend to follow it.

The Deputies decided to adopt the final version of their reply at their 140th meeting. A draft reply was prepared as follows :

"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."

- With reference to the question of the representation on the CCC of delegates from the Conference, the Deputies observed that the Assembly was already represented on the CCC and that it was for that body to apply the system of substitutes provided for in Resolution 229 which would enable the Committee on Local Authorities to present its views to the CCC.

The Deputies further observed that the participation of members of the Assembly on the CCC and the CCJ already introduced one element of complication, and that additional ones resulting from the participation of members of the Conference, as well as of the Assembly, should be avoided.

The Deputies decided to adopt the final version of their reply at their 140th meeting. A draft reply was prepared as follows :

"The Committee of Ministers considers 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

The Deputies agreed to adopt the final version of their reply at their 140th meeting. A draft reply was prepared as follows :

"(i) Governments have no objection to the implementation of Resolution 26, provided that existing national practices and regulations are taken into account.

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

#### F. United Towns Association (Doc. CM (65) 33)

The Deputies observed that there was no further need to examine the opinion of the Conference, as the Ministers had communicated their views on the matter to the Assembly in the meantime.

During the discussion of this question the Austrian Representative referred to a note in Document CM (65) 33 concerning the representation of member Governments or towns in member States at the Conference of the United Towns Association held in Dakar in April 1964.

A large number of delegations thereupon declared that the list drawn up by the United Towns Association had been prepared without regard for the facts and that a number of Governments and towns appeared on it quite incorrectly.

The Deputies agreed to communicate directly to their Austrian colleague the results of the investigation.

#### G. Europe Day

It was noted that there was no longer any need to discuss this part of Resolution 50 since the matters referred to had been settled in the meantime.

#### H. Air Pollution

The Deputies decided to word the draft reply, which would be finalised at the 140th meeting, as follows :

"The Conference on Air Pollution met in Strasbourg from 24th June to 1st July and produced 49 Resolutions and 14 technical reports which have been referred to an *ad hoc* Committee of Experts. When this Committee has submitted its report and the Ministers have discussed it they will not fail to inform the Conference."

(iv) *Resolution 51 - Charter of the Conference*  
(Opinion No. 43, Section B)

The Deputies thought it preferable to await a move on the part of the Standing Committee which had been instructed to approach the Consultative Assembly and the Committee of Ministers with a view to the joint discussion of ways and means of keeping the Conference and Local Authorities informed.

(v) *Resolution 52 - Administrative Services of the Conference* (Opinion No. 43, Section C)

The Irish Representative said that, in agreeing to a new A2/A3 post in the Office of the Clerk to assist with local authorities affairs, his Government had gone as far as it could and the President of the Conference should be told that it was not possible to do any more.

The Austrian Representative supported the proposal of the Conference regarding the creation in the Secretariat of a Regional and Local Affairs Division and stressed the potential value of a regional documentation centre.

All delegations taking part in the discussion opposed this proposal which they regarded as unrealistic and too ambitious. To undertake the work proposed a Secretariat Division would not suffice, or else a special Secretariat would have to be created to handle all the problems the local authorities alone would raise.

The Deputies agreed to inform the President of the Conference of their decision to create an A2/A3 post in the Office of the Clerk whose occupant would assist with local authorities' work. The President of the Conference would also be informed of what the Secretary General was doing in the sphere of local authorities and the fact that, pending the outcome of his enquiries, it had been decided to postpone any administrative decisions. (see point XIX (b)).

(vi) *Resolution 53 - Rules of Procedure of the Conference* (Assembly Opinion No. 43, Section D)

The Deputies examined the Rules of Procedure of the Conference in Resolution 53.

It was noted that certain earlier suggestions put forward by the Committee of Ministers had not been adopted:

Rule 6 - Bureau of the Conference

The Deputies recalled that they had found the Rule irrelevant and suggested it be deleted, and that the Conference had decided to keep it.

The Deputies considered that there was no need to revise their opinion, especially as the reference to the Bureau had been deleted from Rule 10 and, as a result, although the rules provided for the existence of this body, no functions were ascribed to it other than the fact that its members were members of the Standing Committee.

Rule 7 - Election of the Bureau

It was recalled that the Committee of Ministers had suggested changing the title of the Rule from "Election of the Bureau" to "Election of Vice-Presidents".

The Deputies agreed not to revise their initial position, as the matter was of minor importance.

Rule 8 - Standing Committee

The Deputies noted that they had suggested deleting paragraph 10 of this Rule and that the Standing Committee had made a similar suggestion, but that the Conference had decided to keep it.

The Deputies agreed to adopt their final reply at the 140th meeting. A draft reply was prepared as follows:

"With reference 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".

Rule 39 - Conference Services

The Deputies observed that they had recommended the deletion of the Rule, which reads as follows:

"The Conference Services shall be under the direction of the Executive Secretary of the Conference, a member of the Office of the Clerk of the Assembly."

It was recalled that the Committee of Ministers had proposed deleting the Rule on the ground that Article 7 of the Charter stipulated 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".

The Deputies decided to inform the Conference that they had noted the fact that the Rule had been retained and agreed to return to the question when they knew the outcome of the Secretary General's study.

The Deputies decided to adopt their final reply at the 140th meeting. A draft reply was prepared as follows: "

"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 Rule 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".

**(b) Letter from the President of the Conference  
(Doc. CM (65) 14)**

Referring to their discussion of Resolution 52 of the Conference of Local Authorities, and in the light of the Secretary General's statement on the problems existing with regard to local authorities, the Deputies adopted the text of the letter which their Chairman would send to the President of the Conference in reply to his letter of 15th January reiterating the need to provide the Conference with administrative services commensurate with the tasks assigned to it under the Charter, and saying that the Standing Committee of the Conference had expressed concern at this state of affairs at its meeting on 14th December (Doc. CM (65) 14) (Appendix 9)<sup>1</sup>.

1. See page 211.

**XX. Examination of texts adopted by the Assembly**

**A. Opinion**

**Opinion No. 44 - Accession of Malta to the Council of Europe**

Noting that Item XXI of the Agenda concerned the accession of Malta, the Deputies decided to discuss Opinion No. 44 of the Assembly in conjunction with that item.

**B. Recommendations**

**(a) Recommendation 405 - Consultative status to be granted to an international non-governmental organisation**

Having examined Recommendation 405 adopted on 18th December 1964 by the Standing Committee, acting on behalf of the Consultative Assembly, and having heard the Deputy Clerk of the Assembly who, in reply to a question by the Swedish Representative, spoke of the achievements of the International Prevention of Road Accidents in connection with the European Conference of Ministers of Transport, the Deputies adopted Resolution (65) 9, the text of which is to be found in Appendix 1, page 190.

**(b) Recommendation 406 - Nuclear arms control**

Having heard the observations of the representatives of the United Kingdom, the Netherlands, France, the Federal Republic of Germany and Sweden, the Deputies concluded that there might be objections to the Recommendation in question from the point of view of the Statute and that in any case it was scarcely realistic.

The Ministers Deputies agreed on the following reply to the Assembly on the subject of the Recommendation :

"The Committee of Ministers has examined Recommendation 406 on nuclear arms control.

Without prejudice to the question as to how far this Recommendation is in conflict with the terms of the Statute which excludes defence matters from the Council's sphere of competence, the Committee of Ministers feels that the measures envisaged in the Recommendation, however desirable the aims in view, leave out of account certain facts which Governments cannot ignore.

For this reason the Committee of Ministers is unable to act on the Recommendation."

(c) *Recommendation 407* - Present crisis in the United Nations

Having heard the views of the representatives of France, the Netherlands, the Federal Republic of Germany, Denmark and Ireland as well as those of the Secretary General, the Deputies agreed to inform the Assembly that the subject of this Recommendation was outside the scope of the Statute of the Council of Europe and decided to reply to the Assembly as follows:

"The Committee of Ministers considers that it is not in the interests of the success of the Assembly's aim that the Council of Europe should take up the matter referred to in Recommendation 407. Moreover, it is being discussed in the United Nations by member countries of the Council of Europe who are also Members of the United Nations."

(d) *Recommendation 408* - European political union

The Deputies decided that this Recommendation would be included in the file to be prepared for the Ministers for their 36th Session on 3rd May 1965. They also agreed to draft the reply to the Assembly in the light of the discussions at the 36th Session of the Ministers.

(e) *Recommendation 409* - Release of political prisoners in Central and Eastern Europe

(e) *Recommendation 409* - Release of political prisoners in Central and Eastern Europe

The United Kingdom Representative expressed doubts about the efficacy of blanket appeals.

The representatives of the Netherlands and France expressed doubts as to the advisability of following up this Recommendation at the present stage since, on the one hand, the measures recommended were liable to run counter to the aims pursued by the Committee of Ministers and, on the other hand, they might appear to constitute interference in the internal affairs of the countries concerned.

The Secretary-General told the Deputies of the Assembly's work on the same question of the release of political prisoners in other parts of Europe.

It was decided to postpone any decision on Recommendation 409 pending the outcome of the Assembly's work.

(f) *Recommendation 410* - European economic problems

The Deputies agreed to include this Recommendation in the file to be prepared for the Ministers for their 36th Session on 3rd May 1965 and decided to frame the reply to the Assembly in the light of the Ministers' discussion.

(g) *Recommendation 411* - Agricultural policy in Europe

The French Representative made the following declaration :

"This text recommends the adoption by member States of a certain number of measures most of which are undoubtedly sound : increasing the profit-making capacity of the family farm, improving the economic conditions for farming in sub-standard areas, establishing adequate pension schemes for elderly farmers, etc.

Unfortunately, this list of good intentions follows on a preamble which expounds ideas totally opposed to those of my country. In simple language the preamble says in effect : "Europe has too many uneconomic small farms giving rise to over-production. A rigorous structural policy is needed to get rid of these out-dated small production units. Then price-supporting policies, which in fact are of no help, will disappear; countries will be able to specialise in certain branches of agriculture and liberalise international trade in their produce by guaranteeing one another markets." This amounts to a direct criticism of the agricultural policy of my country and of the European Economic Community.

The Recommendation, consequently, calls for the following comments :

(1) It is untrue to say that small farms are responsible for over-production. In fact they suffer

most from it. In reality, technical progress and increased productivity are responsible.

(2) Price-supporting policies do not deserve the adverse criticism directed at them in this Recommendation: their continuance is justified as in the special case of EEC.

(3) My Government is not in favour of guaranteed markets for commodities whether economically produced or otherwise. How can it be judged whether production is economical? At the present time, there is not a single country exporting agricultural produce that does not subsidise its exports.

The idea of guaranteed markets is in itself incompatible with market economy. Why should markets be guaranteed for agricultural produce when they are not guaranteed for industrial goods?

How, moreover, could the Common Market guarantee to import a certain volume of agricultural produce from outside countries when no such guarantee exists among the Common Market countries themselves?

(4) One ought even to go further and maintain that the true solution to world agriculture problems, the solution on which agricultural policies in Europe should be based, is not to be found in diminished production.

Increased agricultural production is indeed both inevitable and desirable. It is inevitable because it derives from technical progress which is bound to spread in agriculture throughout the world. It is desirable because there are 1,500 million hungry people in the world today.

That is why France has already had occasion to propose the conclusion of world agreements for the major commodities. Their purpose would be to adjust demand to supply on a market where, whatever happens, there will always be a large demand to meet on the part of consumers unable to pay. In the framework of market organisation, countries with surpluses would sell them at low prices and they would be bought up with funds deriving from levies collected by countries with shortages. These surpluses would then be distributed to the under-developed countries according to the forecasts of their development plans."

The Secretary General remarked that this Recommendation was the fruit of intensive work on the part of the Committee on Agriculture and that it was accordingly not surprising that it should call forth numerous comments from Governments. He stressed the interest of the French declaration and expressed the hope that other delegations would state their views in similar detail so that a well-documented reply could be addressed to the Assembly.

The Deputies agreed to return to this Recommendation at their 140th meeting when they would also decide whether it and the accompanying report should be transmitted to the inter-governmental organisations concerned with agriculture (OECD, FAO, EEC, EFTA, GATT) both for information and for an opinion.

(h) *Recommendation 412* - The present situation in Rumania.

The French Representative considered this Recommendation untimely.

The representative of the Federal Republic of Germany said his Government was opposed to it.

The Deputies agreed to resume consideration of the Recommendation at their 140th meeting.

(i) *Recommendation 413* - The safety factor in the construction and design of vehicles

The Deputies examined Recommendation 413 on the safety factor in the construction of vehicles.

The Swiss Representative agreed to its transmission to OECD and ECMT but said that until these organisations had given their opinion there was no need to instruct the Secretary General to examine what measures could be taken to further the elaboration of precise recommendations to Governments as advocated by the Assembly in the second part of the Recommendation proper.

The representatives of the United Kingdom and Norway supported the Swiss Representative.

The Irish Representative said he could

accept the first part of the Recommendation but not the second.

The representatives of France and the Federal Republic of Germany were in favour of the Recommendation.

The Deputies agreed to resume consideration of it at their 140th meeting.

(j) *Recommendation 414* - Control of chemical additives and residues in foodstuffs

During the discussion of Recommendation 414 on the control of chemical additives and residues, the French Representative said that, although his Government was fully prepared to support the efforts of the Joint FAO/WHO Commission to establish a *Codex alimentarius*, they did not think it wise for this body to begin by drafting world standards; a world code could not be very demanding since otherwise it could not be applied throughout the greater part of the world, and France was afraid of being compelled to accept products conforming to standards established by downward levelling. The preparation of regional standards therefore seemed indispensable, before world standards were adopted: only standards accepted by all regional bodies should be recognised as world standards.

In view of the foregoing, the French Government were especially interested in the work of the Joint FAO/WHO Commission at European level. At its last meeting, in Geneva, from 28th September to 7th October 1964, the Joint Commission had conferred a large measure of autonomy on its European Committee, which had acquired an independent assembly and the freedom to prepare, adopt and publish its own food standards. The existence of these powers at European level should not be neglected, therefore, in the implementation of the provisions of paragraphs 1 (b) and 2 of the Recommendation.

The Swiss Representative said that his Government, like that of France, attached great importance to the European section of the FAO/WHO *Codex Alimentarius* Commission and could therefore approve paragraph 1 of Recommendation 414.

Switzerland would also be willing to keep the Assembly regularly informed of progress in the matter of legal control, as stated in paragraph 3. As regards paragraph 2, and in so far as any decision in the matter did not lie with the Ministers of the Partial Agreement, Switzerland welcomed the work being done by Partial Agreement committees on the control of chemical additives in foodstuffs and the use of poisonous substances in agriculture. The Swiss delegation did not think, however, that the committees' present terms of reference should be extended for the time being. Co-ordination with the European *Codex Alimentarius* Commission might be effected at Secretariat level, or by sending Observers to Partial Agreement meetings.

The Secretariat Representative emphasised the importance of the Assembly Recommendation and told the Deputies that preliminary approaches had been made to the Organisations mentioned therein (FAO and WHO). He said the Secretariat would keep the Deputies informed of developments.

The Deputies agreed to resume consideration of the Recommendation at their 140th meeting.

(k) *Recommendation 415* - Statutory limitation as applicable to crimes against humanity

The Deputies held a preliminary exchange of views on the proposals embodied in this Recommendation.

The representative of the Federal Republic of Germany said that the question of statutory limitation in respect of crimes against humanity was still being studied by the authorities in his country and that a Motion had been tabled in the Federal Parliament. The Federal Government had transmitted a detailed report on the subject to the *Bundestag* and there would be a parliamentary debate on the whole question on or about 10th March. He accordingly proposed that the examination of Recommendation 415 be deferred until the 140th meeting, when he would be in a position to present the views of the Federal Government or the action to be taken, if any, on the Assembly's suggestions.

The Austrian Representative approved the above proposal.

The Netherlands Representative said that his Government were not opposed to a Recommendation to ensure that crimes against humanity were not now subject to statutory limitation but a Recommendation against such limitation for any time in the future might at the present moment be going too far. The Netherlands authorities had introduced legislation to ensure that such crimes were not subject to statutory limitation until 1971.

The Irish Representative remarked that the preparation of an international convention, as advocated in paragraph (b) of the Recommendation, seemed singularly ill-advised. It was for the authorities of each member country, and for them alone, to introduce legislation on statutory limitation as applied to such crimes and consequently concerted action in this direction by the Council of Europe might run counter to the Assembly's aims.

The Deputies agreed to resume consideration of Recommendation 415 as a whole at their 140th meeting, when they would state what action member Governments were planning to take with reference to the Assembly's proposals.

- (1) *Recommendation 416* - Measures to make the European Convention on Human Rights more fully effective

The Irish Representative said that his Government, which had already accepted the right of individual appeal and the compulsory jurisdiction of the Court (paragraph 6 of the Recommendation), was willing to accede to the Assembly's requests in paragraphs 7 and 8 of Recommendation 416.

The United Kingdom Representative said his Government was still considering the request in paragraph 6 of the Recommendation and added, with reference to paragraph 7, that Governments' obligations in regard to information were already defined in the Convention on Human Rights. The United Nations Human Rights Commission was to examine Governments' reports when it met on 22nd March 1965, after which his Government would consider the possibility of transmitting the reports to the Council of Europe, as requested by the Assembly.

The Deputy Secretary General pointed out the practical interest of the proposal contained in paragraph 7 of this Recommendation. In a number of countries the Convention was applied by the national courts as internal law. The Commission and the Court needed to be kept informed of the development of national jurisprudence interpreting the Convention. The appointment of national correspondents who would inform the Directorate of Human Rights of all such national decisions would greatly facilitate this work. The Deputies agreed to return to this Recommendation at their 140th meeting.

- (m) *Recommendation 417* - Publication of the *travaux préparatoires* of Council of Europe Conventions and Agreements

The Deputies held a preliminary exchange of views on 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 2nd meeting (Concl. (65) 138, Point III).

The Norwegian Representative said his Government was unable to approve the conclusions of the CCJ, namely :

"(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."

In the opinion of the Norwegian authorities, the publication of the *travaux préparatoires* should be restricted as suggested by the Assembly's Legal Committee, as follows (see Doc. 1861, page 10) :

"(iii) If, for some reason, the publication of the full *travaux préparatoires* of Council of Europe Conventions is not feasible or desirable, the Committee of Ministers should ask the committee of governmental experts negotiating and drawing up these Conventions to agree upon and

make available an explanatory memorandum, being an authoritative statement of the consensus and intentions of the Contracting Parties."

The Norwegian Government accordingly hoped that the provisions advocated in the text quoted above would be strictly interpreted and exactly applied.

Although he did not oppose the proposal made in this Recommendation, the Irish Representative pointed out that some Governments would not wish the opinions they had expressed in committees of experts to be made public; for that reason, a separate decision regarding the publication of the *travaux préparatoires* should be taken in each case in the light of circumstances.

The Netherlands Representative was of the opinion that the publication of *travaux préparatoires* should be restricted: for example, final reports might be communicated to international courts and to national courts of member countries, provided the Governments of these countries consented. The *travaux préparatoires* of existing treaties should only be published with the consent of all the Governments concerned.

For new instruments of which the experts knew that their final reports would be published, publication should be approved by a majority of the States concerned.

The Secretary General said that, under Rule 8 of the Rules of Procedure for Committees of Government Experts, the meetings of such committees took place in private.

As a result, the Secretary General could not communicate any of the experts' working papers to the Assembly or to the public without the prior consent of the Committee of Ministers.

The explanation for this rule was that for various reasons Governments did not wish the attitude they had adopted or the concessions they had made at meetings of committees of experts to be made known "outside". The Ministers' Deputies had endorsed the rule of secrecy and its implications on numerous occasions.

In 1960, however, to facilitate the interpretation of European Conventions, the Ministers'

Deputies had authorised the Secretary General to publish, under his own responsibility, commentaries based on experts' reports, provided that they were confined to comments and explanations and did not disclose the position adopted by delegations during the proceedings.

Shortage of time and staff had hitherto prevented the preparation of any such commentaries.

However, the committees of experts, who had also discussed this problem in 1964, had thought it advisable to publish, on their own responsibility, an explanatory report for each Convention which did not disclose the attitudes of Governments. These reports would be most valuable because they would be produced by the committees of experts themselves and could in a sense be regarded as authentic interpretations.

The CCJ, which also considered the matter in 1964 in connection with the uniform interpretation of European treaties, reached the same conclusion; that is, that an explanatory report should be drafted by the experts themselves, for each Convention.

This was a more feasible solution than the publication of all the *travaux préparatoires*, for it would give readers only information that was useful and accurate about the Conventions, whereas the publication of all the *travaux préparatoires* would not only be costly, but would also confront the reader with a document he would find difficult to digest.

The Deputy Clerk of the Assembly pointed out that, in the opinion of the Legal Committee, the publication of the *travaux préparatoires* of Council of Europe Conventions was chiefly of interest to the courts of member States, as they might have to apply and hence interpret those Conventions. It was therefore important that the *travaux préparatoires* should be published in an authoritative form. The Legal Committee considered that the courts could not regard commentaries summarising the *travaux préparatoires* of a Convention which were drawn up by the Secretariat as authoritative documents.

The Deputies agreed to take the whole question up again at the 140th meeting.



(n) *Recommendation 418* - The Hague Convention concerning the powers of authorities and the law applicable in respect of the protection of infants

The Deputies held a preliminary exchange of views on the Assembly's proposals embodied in Recommendation 418.

The Norwegian Representative said that, although his Government were in favour of the general principles laid down in the Convention, they were not at present planning to sign it at that time.

After stating his approval of the Recommendation, the Swiss Representative added that his Parliament would shortly be asked to ratify the Convention.

The representative of the Federal Republic of Germany said that he was in favour of Recommendation 418 and informed his colleagues that his Government would decide before 1st July whether or not they would sign the Convention.

The French Representative said that ratification procedure for the Convention was under way.

The United Kingdom Representative said that, while his Government sympathised with the humanitarian objectives of the Convention, they could not accede to it. One reason for this was that the Convention was in certain respects inconsistent with the paramount principle of English law, concerning the guardianship of infants, which placed the main emphasis on the protection of the interests of the infant rather than on considerations of nationality and habitual residence.

The representative of Cyprus said that the authorities of his country were examining the possibility of signing the Convention.

In reply to a question by the Irish Representative, the representative of the Office of the Clerk said that any member State of the Council of Europe could accede to the Hague Convention, in accordance with the terms of its Article 21.

The Deputies agreed to return to the question at their 140th meeting, so that the Assembly could be informed, as far as possible, what action the Governments of the member countries

were planning to take in respect of these suggestions contained in the Recommendation.

(o) *Recommendation 419* - International Voluntary Service

The representative of the Federal Republic of Germany said he supported the Recommendation.

The representatives of Ireland and Switzerland made reservations regarding the possibility and desirability of the Committee of Ministers being represented on the Committee of the Regional Conference by a member of the Committee of Out-of-School Education of the CCC. It was suggested that the Committee of Ministers might say they did not object to the Committee for Out-of-School Education being represented on the Committee of the Regional Conference if it saw some advantage therein.

The Deputy Clerk of the Assembly spoke of the keen interest of the Committee for Out-of-School Education in these activities. The CCC had earmarked 15,000 FF in its 1965 budget for assistance to the Regional Conference and had decided, in principle, to repeat the grant in 1966.

The Deputies agreed to resume consideration of this question at their 140th meeting.

(p) *Recommendation 420* - Settlement of conflicts of jurisdiction in criminal matters

The Deputies examined the proposals put forward by the Assembly in Recommendation 420.

In reply to a question by the French Representative, the representative of the Office of the Clerk said that the draft Convention appended to Recommendation 420 had been drawn up by a sub-committee of the Assembly's Legal Committee. This had been a common practice of the Assembly in the past. For example, when proposing to member Governments the conclusion of a European Convention on human rights, extradition or the peaceful settlement of disputes, the Legal Committee had itself prepared a preliminary draft Convention for use by committees of experts, who nevertheless remained free to make use of it or not as they wished.

The Swiss Representative was in favour of transmitting Recommendation 420 and the draft

Convention to the ECCP, but asked for further information regarding the action to be taken on paragraph 8 of the Recommendation, *i.e.* the submission to the Assembly for an opinion of the draft Convention prepared by the ECCP, before it was signed by member Governments.

The representative of the Office of the Clerk pointed out that in the past the Committee of Ministers had often referred a draft Convention drawn up by the Committee of Ministers to the Assembly for an opinion before it was opened for signature by member States. He added, in reply to a question by the Norwegian Representative, that the sub-committee of the Legal Committee had been fully informed, while working on the draft, of the activities of the ECCP in connection with the international validity of penal judgments and had borne them in mind when drafting the Convention. Thus, in order to be fully applicable, Article 12 (*non bis in idem*) of the draft Convention prepared by the sub-committee presupposes, in accordance with the intention of the ECCP, agreement between States as to the recognition of foreign penal judgments.

After a general discussion, the Deputies decided to communicate Recommendation 420 and the draft Convention prepared by the Assembly's Legal Committee to the ECCP.

- (q) *Recommendation 421* - Initial measures for the achievement of free movement of manpower within Europe.

The Deputy Secretary-General pointed out that the Recommendation spoke of taking "steps similar" to the EEC Regulations, rather than of "extending" them to other countries, as in Recommendation 376. He recalled in this connection that the European Convention on Establishment, which did not go as far as the EEC Regulations, had been ratified by only six member countries as yet.

The Norwegian Representative said he could accept paragraph 10 of the Recommendation.

The United Kingdom Representative said that the question was already being studied at OECD, without the participation of the United States, Canada and Japan. His authorities were opposed to duplication.

The Swiss Representative observed that the liberalisation of the movement of manpower in Europe had been one of the objectives of OEEC, and had been taken over by OECD. The Council of that Organisation was at present working out the guiding lines of its future policy in this field. The membership of the committees concerned, moreover, was virtually the same as that of the Council of Europe, since the United States, Canada and Japan were not parties to the OEEC Decision of 1953/1956 (renewed by OECD) relating to the employment of nationals of member countries.

Document CM (64) 171 reproduced an opinion of the OECD Committee on Manpower and Social Affairs to the effect that in the present economic and social context a legal measure aimed at removing administrative obstacles would not, in itself, be sufficient to provide a stepping-stone to further progress, as was the case of the 1953-1956 Decision. It concluded that it would be advisable, on the other hand, to review the Organisation's policy, beginning with a comparison of migration policies in the economic, demographic and social context of the moment.

This showed that OECD, which had regularly concerned itself with this question for many years, had a realistic approach to it. For this reason the Swiss delegation, anxious to avoid duplication, hoped that Recommendation 421 might first be sent to OECD for an opinion. To give the Assembly an opportunity of appreciating how much was already being done in Paris, the question might be placed on the Agenda for a future meeting of the Liaison Committees which members of the Consultative Assembly might attend.

The Secretary-General said that the Assembly's requests were logical and reasonable. The principle agreed upon by himself and the Secretary-General of OECD was that any question involving States outside Europe came under the authority of OECD, while those confined to European countries came under that of the Council of Europe. The fact that OECD was working on the matter in the absence of its American and Far Eastern Members was proof that it was a purely European question.

The Swiss Representative pointed out that Spain and Portugal, which had serious manpower

problems, were Members of OECD, but not of the Council of Europe.

On the proposal of the Deputy (Secretary-General) the Deputies agreed to continue their study of the Recommendation at their 140th meeting, on the basis of a report by the Secretary-General following his renewed exploratory contacts in Brussels on 18th March.

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

The Deputies engaged in a preliminary discussion of Recommendation 422.

Referring to the draft Agreement which came before the Legal Committee in May 1964, the Irish Representative said that the draft of Article 1 included broadcasting stations installed "on objects affixed to or supported by the bed of the sea" and which were outside national territories. In view of the fact that such stations were not governed by the Radio Regulations annexed to the International Telecommunication Convention, the experts had considered that these latter stations should have a separate reference to distinguish them from broadcasting stations which were specifically prohibited under the Radio Regulations. Hence the omission of such stations from Article 1 and the introduction of a new Article 4 making for the optional application of the provisions of the Agreement to stations installed on objects affixed to the sea bed. In the view of the Irish authorities, the European Agreement was adequate as it stood and enabled each Contracting Party to extend its domestic legislation to cover the types of stations envisaged in Articles 1 and 4. Since the Radio Regulations, at present, made no reference to broadcasting stations on objects affixed to or supported by the bed of the sea, *etc.*, it would be inadvisable to make it compulsory for Governments to introduce legislation on that point. Furthermore, it would delay the implementation of the Agreement.

Paragraph 7 (a) would appear to be an unnecessary refinement of the Agreement. It had to be assumed that Governments would sign it in good faith and would not in their domestic

legislation abrogate to themselves monopolistic powers foreign to the legitimate rights of their nationals.

Consequently, the Irish Representative was unable to approve Recommendation 422.

The Danish Representative, while approving Recommendation 422, was in favour of communicating the Assembly's suggestions to the Committee of Legal Experts on Broadcasting and Television.

The Norwegian Representative, expressing approval of the Recommendation, advocated the extension of the terms of the Agreement, by means of a protocol, to broadcasting stations installed on objects affixed to or supported by the sea bed outside territorial waters.

The representative of the Federal Republic of Germany said that the proposals made in the Recommendation were being examined by the authorities in his country.

The United Kingdom Representative said that paragraph 7 (a) stemmed from paragraph 3 of the Preamble. Paragraph 3 was not correct because justification for the international regulation of telecommunications was not limited to the availability of frequencies and spectrum space. It covered political, economic and other technical considerations. As for paragraph 7 (b) of the operative part of the Recommendation, it seemed best to let the Agreement establish itself in its present form before considering whether there was a need for a protocol on the lines proposed.

In reply to a question by the Permanent Representative of France, the representative of the Office of the Clerk said that the Assembly had noted that, by drawing up the European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories, member Governments had shown that it was their policy to put a stop to the proliferation of so-called pirate broadcast stations. The Agreement was, however, essentially concerned with the prevention of broadcasts from stations installed on floating or airborne objects. It did not expressly prohibit broadcasts transmitted from stations installed on objects affixed to the bed of the sea, although Article 4 of the Agreement made it permissible for Contracting Parties

to apply the provisions of the Agreement to such broadcasts also. The main reason why the Legal Committee had thought fit to place the present Recommendation before the Assembly was that the application of the provisions of the agreement to fixed installations might give rise to difficulties of a legal nature. The problem here was one of jurisdiction. The criminal jurisdiction of a State with regard to broadcasts transmitted from floating or airborne objects was, in the Agreement, based on two grounds. A State had jurisdiction by virtue of the territorial principle since, for the purpose of the application of its municipal law, a ship flying its flag was considered as its territory. Secondly, a State could assume jurisdiction over its own nationals even where these were found aboard a ship flying the flag of another State. It was submitted by the Legal Committee that with regard to fixed installations, built for instance on the continental shelf, the legal position was perhaps different in that it was uncertain whether the State could exercise jurisdiction and base this on the territorial principle. The position here under international law was not quite clear although the recent "Equipments North Sea Act" passed by the Dutch Parliament appeared to be based, at least partly, on this principle. On the other hand, however, there was the Geneva Convention of 1958 on the Régime of the High Seas which had been inspired by a desire to codify the rules of international law relating to the high seas. These considerations justified, in the view of the Assembly, the proposal that the Committee of Experts on broadcasting and television should examine the possibility of supplementing the Agreement by way of a protocol or, in the alternative, by way of a separate convention.

With regard to the meaning of paragraph 7 (a) of the Recommendation, the representative of the Office of the Clerk explained that the original draft Recommendation, as it was placed by the Legal Committee before the Assembly, did not contain this paragraph which had been inserted as the result of an amendment tabled by two Scandinavian members of the Assembly. This amendment had been accepted by the Legal Committee since it did not affect or alter the basic purpose of the Recommendation which was that the Committee of Experts should consider whether it was not appropriate to apply the provisions of the Agreement to fixed installations in the same way as these now applied to floating or airborne objects. The Ministers' Deputies

might think that it was perhaps unusual to express an intention in a protocol and that the essence of the Recommendation was found in paragraph 7 (b).

Following a general discussion, stress was laid on the advantage of seeking the opinion of the Committee of Legal Experts on Broadcasting and Television, on the various points raised by the Assembly in Recommendation 422.

The Deputies agreed to take the whole question up again at their 140th meeting.

### C. Resolutions

- (a) *Resolution 290* - Establishment of international guarantees for the protection of the rights of all inhabitants of the Republic of Cyprus.

The representative of Cyprus made the following declaration :

"It is with reluctance that I have to speak on Resolution 290 of the Consultative Assembly. Before I express my Government's opinion on this Resolution I might be permitted to refer to the decision of the Committee of Ministers on 20th April last year which was based on the work of the Deputies as shown in Doc. CM (64) 75. The Committee of Ministers considering the report of the Committee of Deputies held the view that, in the light of developments about Cyprus in the United Nations, the appointment of the mediator and the proviso in Article 1 (c) of the Statute of the Council of Europe whereby collaboration with the United Nations was an obligation of the member States of the Council, decided that 'in these circumstances, it was not advisable for the Council of Europe to undertake any action which, coming at this time, might impede the efforts of the United Nations'.

It should also be remembered that the Cyprus mediator is well aware of the existence of the organs of the Council of Europe for safeguarding human rights. Further the Secretary General in April last year thought it proper to remind the mediator of these organs.

Now I wish to remind the Committee of the decision of our Ministers that was reached in Paris at their last meeting on December 18th on the problem of Cyprus and, in particular, the

question of the establishment of international guarantees for the protection of the rights of all inhabitants of the Republic of Cyprus. This decision was communicated by His Excellency Mr. Lange, Chairman of the Committee of Ministers to the members of the Assembly in the following terms :

Nothing new has arisen since the spring seeming to justify a change in the attitude taken by the Committee of Ministers at that time which was that, while the United Nations was seeking to mediate, there was no need for the Council of Europe to become involved in the Cyprus question'.

Complying with the decision of our Ministers as explained, my Government is against Resolution 290 and suggests that the Assembly should be informed in reply of the position of the Committee of Ministers and of this Committee with regard to the points raised in the Resolution in accordance with the decisions reached and the line of policy as drawn by the Committee of Ministers".

The French Representative recalled that, from the point of view of procedure, a Resolution was an Assembly text binding on the Assembly only and that consequently the Committee of Ministers was not called upon to pronounce for or against the Resolution but only to take note of it.

The Turkish Representative thought that the attitude of the Ministers was to be interpreted as expressing their resolve not to intervene pending the development of the affair but did not in any way point to a lack of interest on the part of the Council of Europe. He pointed out that the question was still on the Agenda of the Committee of Ministers. His Government, moreover, had announced that they were prepared to discuss it in the Council of Europe at a meeting which would be attended by the great majority of foreign Ministers. He agreed with his French colleague on the point of procedure raised and recalled that it was in response to his request that the Secretariat at the time had prepared a memorandum on the nature of Assembly texts (Doc. CM (64) 59).

The Austrian Representative thought that a decision by the Committee of Ministers was unnecessary since the Consultative Assembly Resolution gave instructions to the Secretary General by virtue of the powers the Assembly possessed. He called his colleagues' attention to earlier differences of outlook between the

Assembly and the Committee of Ministers concerning the handling of the Cyprus problem.

In the absence of instructions, he could not express a definite opinion on the subject. However, from the point of view of principle, Austria considered the Council of Europe an ideal framework for the peaceful settlement of disputes. In the case of the Cyprus question, Austria was not at all opposed to a solution within a European framework.

He went on to stress that America and Africa were already endeavouring to handle their own problems within their own framework and that the tendency was to some extent spreading to Asia.

In conclusion he said that there was no need to do more than take note of the Resolution in question.

The Turkish Representative recalled that, in the light of these European considerations, his Government had advocated the examination of the Cyprus question in the Committee of Ministers of the Council of Europe, particularly if the majority of foreign Ministers could attend the Session in person.

The Greek Representative, although he did not disagree with the remarks on the procedural point, pointed out that the United Nations was nevertheless still dealing with the Cyprus question and that they should await the forthcoming conclusions of the mediator. The Cyprus Government had moreover stated their readiness to open discussions with the Turkish minority on the question of the latter's rights.

The Turkish Representative observed that the question of guarantees to the Turkish Cypriot community was not such a simple one and that, since 21st December 1963, that community had been suffering without the protection of such guarantees.

The Secretary-General said that the Assembly's Resolution asked him to make a study of the question and since under the Statute he was at the service of the two organs of the Council of Europe he could not possibly refuse their request.

The Cyprus Representative added that his Government did not wish the study to be undertaken since it was liable to encourage the Assembly in its interference with the work of the United Nations' mediator. If, however, the Secretary General felt nevertheless that he had

to make the required study, it should be confined to a simple statement of the facts.

The Secretary General replied that he would act with all the discretion called for by the delicate nature of this affair.

The Deputies found that Resolution 290 called for no action on their part. The Chairman said that the Cyprus question was still likely in any case to be placed on the Agenda of the Committee of Ministers.

The Cyprus Representative reiterated his Government's opposition to Resolution 290 and to the study envisaged which was liable to prejudice the efforts of the mediator.

(b) *Resolution 291* - Composition of the Bureau of the Assembly

(c) *Resolution 292* - International Voluntary Service

The Deputies took note of both these Resolutions, having observed that their implementation involved no extra expenditure.

#### D. Orders

(a) *Order No. 237* - Agricultural policies in Europe

(b) *Order No. 238* - Commercial relations between member States of the Council of Europe and the countries of Central and Eastern Europe.

(c) *Order No. 239* - Initial measures for the achievement of free movement of manpower within Europe.

The Deputies took note of the above-mentioned Orders, having observed that none of them involved any extra expenditure.

#### XXI. Accession of the State of Malta to the Council of Europe

(Assembly Opinion No. 44 and Doc. CM (64) PV 2)

*The Deputies adopted Resolution (65) 10, the text of which is to be found in Appendix 1, page 191.*

The Deputies were informed by the Political Director of the intention of the Minister for

Foreign Affairs of Malta to attend the 36th Session of the Committee of Ministers.

With regard to the preceding meetings of the Deputies, it seemed that Malta would be able to be represented at the meeting beginning on 29th April.

#### XXII. Committee of Ministers Preparation of the 36th Session

(Concl. (65) 138, Point XVI)

The Deputies discussed the questions already on the Agenda, and those which might be added to it, 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 Federal Political Department of Switzerland, in the Chair.

##### 1. Relations with other States

The Deputies heard a statement by the Secretary General on recent developments in this field.

They agreed to return to the question at their next meeting.

##### 2. Political aspects of European economic integration (Doc. CM (65) 37)

The Austrian Representative emphasised the value of a debate on this question at the 36th Session of the Committee of Ministers, at a time when suggestions for "bridging the gap" between the two economic groups were arriving from a number of sources. He referred in this connection to a recent statement made in Basle by Mr. B. Kreisky, Foreign Minister of the Federal Republic of Austria.

The French Representative said that it would doubtless be valuable to have a major economic debate at the next Session of the Committee of Ministers. It should serve above all to clarify the various points of view and reconcile any differences with a view to avoiding the dangers that might arise from the presence of two economic groups in Europe. The groups corresponded to two different or successive concepts of Europe, it was true, but the fact that they existed and were developing did not mean they necessarily had to diverge. He proposed that the Secretariat should prepare a memorandum on this point, giving an objective

analysis of what was happening in Europe, since it seemed to him that there was a regrettable tendency to expound theories based on no known facts but by dint of repetition, often accepted as true.

The Secretary-General said he shared the concern of the French Representative with regard to the definition of the role of the Council of Europe in European integration; a wide-ranging discussion in the Committee of Ministers would greatly facilitate the performance of the Council's tasks in this field. He asked for instructions as to the nature of the memorandum proposed and the scope of the subjects to be covered. He agreed that the 36th Session of the Committee of Ministers might provide a propitious occasion for discussion of this subject.

The Chairman concluded that the Deputies would await the results of the Secretary-General's enquiry before going further with this question.

As for the Deputies' work on priorities and the programme, he considered that it was too early to plan a meeting of the sub-committee that had been set up for this purpose. The Assembly's work programme (Doc. CM (64) 232) should be studied in conjunction with that of the Council of Europe as a whole, and of the possibilities of harmonisation and the adoption of European standards.

The Secretary General made a statement which is reproduced in Document CM (65) 37.

After the representative of the Federal Republic of Germany had thanked the Secretary General for his statement, the Deputies decided to place this question on the Agenda for their 140th meeting.

### 3. GATT trade negotiations (Doc. CM (65) 36)

The Deputies took note of a Secretariat memorandum on the state of the trade negotiations at the end of February 1965 (Doc. CM (65) 36).

The Swiss Representative observed that the Council of Europe - both Consultative Assembly and Committee of Ministers - had expressed its interest on several occasions in the Kennedy Round currently in progress at GATT. In this

connection he recalled the Recommendations adopted by the Assembly and the discussions in the Committee of Ministers, based on reports submitted by the Secretariat before each meeting.

His Government was pleased to observe that the preparatory phase had now given way to real negotiation at Geneva. As they were all aware, one object of the negotiation was to smooth over the problems arising from the conflict of two preferential systems on the European continent, and the ever-increasing discrimination between them. It could only be hoped that the efforts of the Geneva negotiators would also - and principally - benefit the major commodities of trade within Europe.

For that reason, both the Deputies and the Committee of Ministers, bearing in mind their future meetings, would give their fullest attention to the excellent documentation which the Secretariat was providing for delegations as the Geneva negotiations developed and solutions began to emerge.

The French Representative pointed out once again that the divergencies between the two groups should be defined more accurately, and that trade trends should be more closely analysed.

The Secretary General told the Deputies that he would submit a new memorandum to them at their next meeting.

The Deputies agreed to return to this question at their 140th meeting.

### 4. Atlantic partnership

The French Representative referred to the Assembly's decision to hold a debate during its next part-session in which United States Congressmen would take part. This decision had political implications and might well call forth reservations on the part of several Governments. As the Assembly had stressed, there was clearly no question of setting up the parliamentary body for OECD which the Assembly had been contemplating in recent years. In these circumstances it was not easy to see what subjects the American and European parliamentarians would have to discuss. Nevertheless, it would have been desirable for the Assembly to keep Governments

regularly informed of its intentions and for the Deputies to understand the nature of this operation more clearly.

The Secretary-General said that the Political Director was going to Washington within the next few weeks and would certainly enquire into the exact intentions of the American delegation. He (the Secretary-General) would ask the President of the Assembly whether he wished to speak to the Committee of Ministers about this matter.

The Deputies thought it would be valuable if the President of the Assembly would agree to make a statement on the question at their 140th or 141st meeting.

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During their examination of proceedings at the 35th Session of the Committee of Ministers, the United Kingdom Representative drew attention to the question of the form of the Minutes and official reports of sessions of the Committee and time required for their distribution.

He said that the Minutes, which recorded decisions without giving details of the Ministers' contributions to the discussion were of little interest and that the official report, which recorded what had been said was issued so late that by the time it was received it had lost all its topicality and hence its interest.

He added that certain organisations circulated such documents within a few days of the meeting and he recommended that the Council's methods be revised with a view to producing documents with less delay.

The representatives of Ireland and France supported their United Kingdom colleague.

The Secretary of the Committee of Ministers outlined briefly the procedure in such organisations as OECD and WEU and pointed out that at the Council of Europe Secretariat practice was more a matter of usage than of written regulations. Article 20 of the Rules of Procedure of the Committee of Ministers simply

said that "The Secretary-General shall prepare a list of the decisions taken by the Committee and distributed it to members". Accordingly it was chiefly the circumstances, the nature of the debates and the means at the Secretariat's disposal which determined the form given to Minutes and reports of meetings: Minutes took the form either of strictly formal Minutes (Doc. CM (64) PV 2) or a brief summary record (Doc. CM (63) PV 2) while the official reports took the form either of a verbatim record (Doc. CM (64) CR 2) or a very full summary of the debates with verbatim quotations from certain speakers (Doc. CM (63) CR 2).

The Political Director emphasised that the means at the Secretariat's disposal ought to be consistent with the nature of the documents they were expected to produce and at all events it was important that delegations should state their wishes, in particular in regard to whether the rule that a document was not distributed until it existed in both official languages was to be abandoned.

The Deputies decided for the present to leave the Secretariat to reflect on the problem and to improve the existing system as far as possible with the means at their disposal, on the understanding that the whole question could be reviewed if need be.

The question of a document on the Colloquy having been raised, it was recalled that by common consent the Assembly and the Committee of Ministers had decided to give no publicity to the Colloquy and write no Minutes of its debates.

**XXIII. Problems regarding the competitiveness of nuclear power stations**  
**Recommendation 399**

(Concl. (64) 138, Point XVII)

The French Representative announced that the European Nuclear Energy Agency of OECD had already examined Recommendation 399. The ENEA Steering Committee unanimously shared the conviction of the French authorities of the virtual impossibility and the inadvisability of seeking today to define common criteria on which to base calculations of the most of nuclear energy in Western Europe. The Secretariat of



ENEA had been instructed to draft a reply to the Consultative Assembly along these lines.

The Deputies agreed to transmit Recommendation 399 and its accompanying report to member Governments. The Recommendation would also be sent to OECD for information, and the question would be proposed for inclusion in the agenda for a coming meeting of the Council of Europe/OECD Liaison Committees.

#### **XXIV. Partial Agreement**

##### **(a) Report of the 10th Session of the Public Health Committee (Docs. PA/SG/SP (64) 4 and 5)**

The Deputies of the States Parties to the Partial Agreement in the field of public health took note of the report of the Public Health Committee's 10th meeting, held at Lyons - Giens from 12th to 16th October 1964.

##### **(b) Report of the 10th Session of the Social Committee (Docs. PA/SG/SOC (64) 5 and 6)**

The Deputies of States Parties to the Partial Agreement in the social field took note of the 10th Session of the Social Committee, held in Paris from 6th to 9th October 1964, and took the following decisions on individual points thereof:

1. With regard to the recommendation on the minimum age for starting work dangerous to the morals of young people, the Deputies approved an amendment put forward by the United Kingdom Representative, replacing, in the introduction to Section IV, the words "regarding the fixing of the minimum age" by "regarding the minimum age" and, under (i) of Section IV, the words "should ... be fixed at" by "should ... be considered to be".

It was pointed out that this amendment was in the interests of greater elasticity and was in line with the general considerations which had prompted the recommendation.

The recommendation was adopted as amended (Appendix B to the report).

2. The recommendation on the minimum age for starting work in industry and agriculture considered dangerous for young people was adopted; the United Kingdom Representative abstained (Appendix C to the report).

The United Kingdom Representative explained that his Government supported the general aims of the recommendation but that he had abstained because in his country young people were protected by the rigorous application of industrial safety standards, rather than by exclusion from certain work below a certain age. It was further decided that the English text of paragraph 9 would be revised to agree with the French text.

3. The recommendations relating to the prevention of accidents caused by swinging and metal scaffolds were approved (Appendix D to the report).

4. The Deputies took note of the Committee's time-table of meetings and, observing that all of them were to take place outside Strasbourg for reasons which were not always apparent, instructed the Secretary-General to inform the Committee that they wished it to meet in Strasbourg and its sub-committees to meet less often away from Strasbourg.

#### **XXV. Public Health Regulations for medical fellowships**

(Doc. CM (64) 138)

The Deputies approved the new draft Medical Fellowship Regulations prepared by the Committee of Experts on Public Health (see Doc. CM (64) 138, Appendix VI).

#### **XXVI. Date and place of future meetings**

The Deputies agreed on the following time-table:

- 140th meeting of the Deputies : Monday, 5th April, 3 p.m.;

- 141st meeting of the Deputies (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.

Having noted that the week beginning 24th May was interrupted by Ascension Day (a public

holiday), the Deputies agreed to suspend their meeting for that day and to continue it if need be into the week beginning Monday 31st May.

## XXVII. Other Business

### (a) Human Rights - Vienna Colloquy Statement by the Austrian Representative (Doc. CM (65) 34)

The Deputies heard a statement by the representative of the Federal Republic of Austria on the Human Rights Colloquy to be held in Vienna from 18th to 20th October.

They thanked their Austrian colleague for this initiative on the part of the Austrian Government and agreed to resume consideration of the question at their 140th meeting.

### (b) Co-ordinating Committee of Government Budget Experts - Accession of ELDO and ESRO to the machinery for co-ordination (Doc. CM (65) 26)

The Deputies examined the request of the Secretaries-General of the European Space Vehicle Launcher Development Organisation (ELDO) and the European Space Research Organisation (ESRO), acting with the agreement of their Councils, to accede to the machinery set up for the co-ordination of the emoluments of the staff of NATO, the Council of Europe, OECD and WEU.

They decided to grant this request and invited the Secretary General to inform the Co-ordinating Committee of Government Budget Experts accordingly.

### (c) Committee of Experts for the Production and Marketing of Vine Products and Spirits Letter from the American Consul in Strasbourg (Doc. CM (65) 25)

The Deputies agreed to the request by the United States Consul in Strasbourg that his country might be authorised to send an observer to meetings of the Committee of Experts for the Production and Marketing of Vine Products (Doc. CM (65) 25).

The Deputies instructed the Secretary General to tell the American Consul of their

decision informing him of the present situation in regard to the Committee's work and sending him all the necessary documentation.

### (d) Foundation of a Museum of Modern Art in Strasbourg Statement by the French Representative (Doc. CM (65) 38)

The Deputies heard a statement by the French Representative relating to the decision of the city of Strasbourg to allocate, as described in Document CM (65) 38, the first floor of the building known as the "Ancienne Douane" (built in 1358 and now accurately reconstructed after its destruction by bombing in 1944) to exhibitions of modern art.

He said that by placing original works of art in the presence of one another, Strasbourg would like to show how the various national temperaments have assimilated and interpreted the common aspirations of modern art, and to discover to what extent one can speak today of the unity in diversity so brilliantly illustrated by the Council of Europe in eight exhibitions, each on a great period of European art.

Accordingly, supporting the municipality's plan, the French delegation to the Council of Europe proposed that member countries entrust to the permanent keeping of the Museum of Modern Art of the City of Strasbourg (but to be exchanged at will) a number of characteristic national works of painting and sculpture, taking as a point of departure the impressionist movement or a school equally noted for its innovations.

Several delegations expressed interest in this project of the City of Strasbourg and said they would like to contribute to it, subject to the approval of their Governments, and additional information to be provided by the French delegation.

The Secretary General shared the Deputies' interest in the new venture on the part of the City of Strasbourg and offered the Secretariat's assistance in carrying it out.

The Deputies agreed to resume consideration of this subject at their 140th meeting and possibly to invite the Mayor of Strasbourg to present his views at a subsequent meeting.

**(e) European Yearbook**

**Election of members of the Editorial Committee  
(Doc. CM (65) 8)**

The Deputies approved the proposals in Document CM (65) 8 for the new membership of the Editorial Committee of the European Yearbook, as follows :

1. Mr. Polys Modinos to replace Mr. Benvenuti ;
2. Mr. Peter Tewson, member of the staff of OECD, to replace Mr. Donald Mallet ;

3. Mrs. Beer, Head of General and Legal Services at the EFTA Secretariat, to be appointed member of the Editorial Committee.

The Deputies noted that, in addition to the above, the members of the Editorial Committee included : Professor Codacci Pisanelli, MM. Cornides, Frey (WEU), Doctor B. Landheer, Mr. Rabier (European Communities), Mr. Robertson (Council of Europe) and Professor Max Sørensen.