



**Doc. 888**

13 October 1958

## Proposal to introduce in the Assembly a "motion to disagree"

### Opinion<sup>1</sup>

Committee on Rules of Procedure, Immunities and Institutional Affairs

#### 1. Letter from the President of the Assembly to the Chairman of the Committee on Rules of Procedure

Paris, 15th March 1958

Sir,

In pursuance of Order 115, adopted by the Assembly on 16th January 1958, the Bureau set up a Working Party to consider the institutional reform of the Council of Europe.

The Working Party has met twice, on 10th February and 3rd March 1958, and has submitted the enclosed Report to the Bureau ([Doc. 845](#)).

You will see that the 27th and last paragraph of the Report comment on a suggestion by M. Santero regarding a « motion to disagree ». The Bureau has today decided to refer the question to the Committee on Rules of Procedure.

I should be most grateful, therefore, if you would kindly put the proposal on the Agenda of your Committee, which should in due course inform the Assembly of its opinion.

Thanking you in anticipation,

I remain, Sir,

Your obedient Servant,

Signed: Fernand DEHOUSSE

M. F. VAN CAUWELAERT,

Chairman of the Committee on Rules of Procedure.

#### 2. Reply from the Chairman of the Committee on Rules of Procedure to the President of the Assembly

Strasbourg, 11th October 1958

Sir,

In your letter of 15th March 1958 you informed me that the Bureau of the Assembly had decided to refer to the Committee on Rules of Procedure a proposal to introduce a « motion to disagree » with the Report of the Committee of Ministers; the suggestion was taken up by the Bureau in paragraph 27 of M. Bichet's Report, ([Doc. 845](#)), which is to be debated at 3 p.m. on Wednesday, 16th October.

---

1. 1958 - 10th Session - Second part



The Committee on Rules of Procedure discussed the matter on 11th October and has instructed me to convey its opinion to you.

The expression " motion to disagree " implies that the Assembly would have the power to censure the Committee of Ministers. But, although the Assembly is entirely free to express its opinion on the decisions and views of the Committee of Ministers, there can be no question of the formal inclusion in its Rules of a procedure not backed by any form of sanction.

Moreover, the Assembly, without having to introduce a " motion to disagree " into its procedure, has been able, in circumstances still fresh in everybody's memory, to take up a position, confirmed by the passing of a motion, which has not been without effect on the Committee of Ministers.

The Committee feels that this precedent is sufficiently serviceable to obviate the need to introduce new provisions on this matter into the Rules of Procedure.

I remain Sir,

Your obedient Servant,

Signed: F. VAN CAUWELAERT

M. Fernand DEHOUSSE

President of the Consultative Assembly of the Council of Europe