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Supplementary Report to the Tenth Report of the Committee of Ministers to the Consultative Assembly presented in accordance with Article 19 of the Statute

Statutory report¹

to Recommendation 121 (1957)

, to Recommendation 135 (1957), to Recommendation 194 (1959), to Recommendation 195 (1959), to Recommendation 196 (1959), to Recommendation 198 (1959), to Recommendation 199 (1959), to Recommendation 200 (1959), to Recommendation 201 (1959), to Recommendation 202 (1959) and to Recommendation 203 (1959)

Committee of Ministers

1. See 12th Sitting, 14th September 1959 (referred to competent Committees), and Reference No. 283.



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1. INTRODUCTION

1. This Report is a sequel to the Tenth Report (Doc. 975) and to the Committee of Ministers' Communication on their 24th Session (Doc. 987), transmitted to the Assembly on 13th and 21st April 1959 respectively. It covers the period from 21st April to 10th September 1959.
2. The Ministers' Deputies held three meetings
 - 73rd meeting (4th - 9th June 1959)
 - 74th meeting (1st - 3rd July 1959) and
 - 75th meeting (7th - 10th September 1959).
3. The Report follows the same plan as the previous reports of the Committee of Ministers.
4. A chart is appended showing ratifications of Council of Europe conventions and agreements deposited to date

2. SECTION I - Steps taken to achieve the aims of the Council of Europe

2.1. Chapter I - Political Questions

2.1.1. (a) Rationalisation of European institutions other than those of the Six

5. As the Assembly was informed in the Communication transmitted to it by the Committee of Ministers at the end of their 24th Session (Doc. 987), a number of decisions were taken by the Ministers on 20th April 1959 regarding the rationalisation of European institutions other than those of the Six.

6. The Committee of Ministers resolved on the following measures to implement these decisions.

2.1.1.1. (i) Transfer to the Council of Europe of the exercise of the powers of W. E. U. in the social and cultural fields

7. In accordance with the instructions of the Committee of Ministers, the Secretary-General got into touch with the Secretary-General of "W. E. U., who informed him that the Council of Ministers of W.E. U. had not yet stated their views on the question and that discussion on ways and means of carrying out the Ministers' decision could probably not take place for some time.

8. The Committee of Ministers instructed the Secretary-General :

- to follow the further development of this question within W. E. U.;
- to prepare a study on the cultural and social activities of W. E. U. on the one hand, and of the Council of Europe on the other ;
- to send Governments detailed accounts of the debates of the WEU Assembly on this question.

2.1.1.2. (ii) Invitation to Swiss and Portuguese parliamentarians

9. The Committee of Ministers noted Resolution 170 (1959), adopted by the Standing Committee on behalf of the Assembly, by which the Bureau was requested to work out, in agreement with the Committee of Ministers, appropriate measures so that Switzerland and Portugal might be invited to send members of their Parliaments to take part in debates of the Assembly on economic questions.

10. It was agreed with the Consultative Assembly that the Secretary-General be instructed to extend to the Minister for Foreign Affairs of Portugal and to the Head of the Political Department of the Swiss Federal Council, an invitation for the Parliaments of both countries to nominate representatives to take part in the debates of the Consultative Assembly on economic questions (Appendix I).

2.1.2. (b) Relations between the Council of Europe and the six-country Communities

11. The Assembly was informed in previous reports of the Committee of Ministers (Doc. 924, paragraphs 45-47, and Doc. 975, paragraph 8), that the Secretary-General had been instructed to prepare, in conjunction with the competent authorities of the European Economic Community and of the European Atomic Energy Community, a draft agreement on the relations to be established between those Communities and the Committee of Ministers of the Council of Europe.

12. In accordance with the instructions of the Committee of Ministers, the Secretary-General had an exchange of letters with the Presidents of the EEC and Euratom Commissions constituting an agreement between the Committee of Ministers of the Council of Europe and those two Commissions.

13. The Committee of Ministers has taken note of this exchange of letters (Appendix II)²

2.1.3. (c) East-West negotiations

14. The Committee of Ministers noted Assembly Resolution 165 (1959), on the East-West negotiations, transmitted to the Ministers for Foreign Affairs, members of the Committee of Ministers, by the President of the Consultative Assembly in pursuance of Order 140.

2.1.4. d) Ratification of Council of Europe conventions

15. The Committee of Ministers noted Resolution 168 (1959), requesting members of the Assembly to take appropriate measures to induce their Governments to embark without delay on the ratification procedure for conventions concluded within the framework of the Council of Europe, in accordance with the Resolution adopted by the Committee of Ministers in 1951.

2.1.5. (e) Co-operation within the ambit of the Council

16. The Committee of Ministers noted Resolution 169 (1959) on the future prospects of co-operation within the ambit of the Council of Europe, transmitted to the Chairman and members of the Committee by the President of the Consultative Assembly in pursuance of Order 142

2.2. Chapter II - Economic Questions

2.2.1. a) Reply to 10th Report of O.E.E.C

17. The Committee of Ministers took formal note that, in accordance with the existing agreements between the Council of Europe and O. E. E. C, Assembly Recommendation 193 (1959) in reply to the 10th Annual Report of O.E.E.C. had been transmitted to that Organisation for its consideration.

18. The Assembly has since received the comments of O. E.E. C. (Doc. 1017).

2.2.2. b) European fisheries

19. Recommendation 198 (1959), on European fisheries, was transmitted to O.E.E.C. for its consideration in accordance with the agreements between the two Organisations.

20. The subject is at present under consideration by the Committee of Deputies of the Ministerial Committee for Food and Agriculture and by the European Productivity Agency.

21. The Committee of Ministers will inform the Assembly of the OEEC reply as soon as it is received.

2.2.3. (c) European problem areas

22. Recommendation 201 (1959), on Euro-pean problem areas, was transmitted to O.E.E.C. for its consideration in accordance with the existing agreements.

2. Only the letters exchanged between the Secretary-General and the President of the EEC Commission are reproduced, those with Euratom being identical.

23. The Committee of Ministers have also instructed the Secretariat to seek information on the subject of this Recommendation from O.E.E.C. and the six-country Communities and to report on the measures that should be taken to implement it.

2.2.4. (d) European Economic Association

25. Recommendation 202 (1959) was transmitted to O.E.E.C. for its consideration, in accordance with the existing agreements between the two Organisations.

2.2.5. (e) European Conference of Ministers of Transport

26. The Committee of Ministers noted Resolution 166 (1959) in reply to the Fifth Annual Report of the European Conference of Ministers of Transport.

2.3. Chapter III - Agricultural Questions

2.3.1. (a) Marketing of livestock and meat

27. As stated in the second supplementary report to the Ninth Statutory Report, Recommendation 180 (1958) was transmitted to O.E.E.C. for an opinion (Doc. 924, para. 70).

28. The Assembly has been informed of the work done so far by O.E.E.C. in the matter of the marketing of livestock and meat (Doc. 1016)

2.3.2. (b) Resettlement of refugee or surplus agricultural workers

29. The Committee of Ministers noted the transmission of Recommendation 203 (1959) to O.E.E.C. for information, in accordance with existing agreements between the two Organisations. In accordance with the Assembly's wish the Committee of Ministers decided to transmit recommendation 121 (1957) to the Special representative for refugees and Over-population, asking him to submit proposals regarding the action he might be able to take in the matter.

30. The Assembly will be informed of the effect given to its suggestions as soon as possible.

2.3.3. (c) Forestry situation in Europe

31. The Committee of Ministers duly transmitted Recommendation 135 (1957), on the forestry situation in Europe, to O.E.E.C. and F.A.O. for information and opinion. (Doc. 924, paras. 67-69). The replies from the two Organisations were communicated to the Assembly (Doc. 928).

32. In view of the work done in this connection by E. E. C, the Committee of Ministers decided to adjourn consideration of this question until such time as the results of this work are known.

2.4. Chapter IV - Social Questions

2.4.1. (a) Europe Code of Social Security

33. As stated in the second supplementary report to the Ninth Statutory report (Doc. 924, paragraphs 82-84), the Committee of Ministers asked the Committee of Experts to make a further study of Articles 68, 75 and 76 of the draft European Code of Social Security and Article 2 of the draft Protocol, calling their attention to the political importance attached by the Governments to the conclusion of an agreement on the draft Code and Protocol.

34. The Committee of Experts on Social Security duly reconsidered these Articles at their 13th Session, held in Strasbourg from 20th to 22nd May 1959. Observers from O.E.E.C. and E. C. S. C. were present.

35. The Experts stated their conclusions in a report which is at present under close study by Governments and will be examined by the Committee of Ministers in the near future.

36. The next session of the Committee of Experts will be held in November 1959.

2.4.2. (b) Public Health

2.4.2.1. (i) Ninth Session of the Committee of Experts

37. The Committee of Ministers examined the Report of the Ninth Session of the Committee of Experts on Public Health (3rd-5th March 1959), which was attended by observers from Switzerland and W. H. O.

38. They decided to transmit the text of the recommendation formulated by the Committee of Experts to the High Authority of E. C. S. C. The Experts, concerned at the increasing pollution of the atmosphere in industrial areas, due to the use of coal, recommended that the work undertaken by the High Authority for the protection of health of workers in factories should be extended to the protection of the surrounding population. They also hoped that the local health authorities and the research workers appointed by E. C. S. C. would exchange information on their results.

39. The Committee of Ministers conveyed to the President of the High Authority their desire to receive, for the benefit of the Committee of Experts, an account of the research carried out by E. C. S. C. in that field.

40. The Tenth Session of the Committee of Experts has been arranged for November 1959.

2.4.2.2. (ii) Camping Hygiene

41. A group of three specialists (Federal Republic of Germany, Italy and Norway), appointed by the Committee of Experts on Public Health to investigate measures taken in member countries and in Switzerland for the health of campers and of the surrounding population and to draw up recommendations to national health authorities, held its first meeting at the end of March in Rome.

42. This enterprise follows the adoption by the Committee of Ministers of a programme of co-ordinated research fellowships. Studies for the year 1959 will deal with camping installations, hygienic standards and sanitary arrangements.

43. The three specialists are pursuing their studies in various member countries and in Switzerland.

2.4.2.3. (iii) European Agreement on the exchange of therapeutic substances of human origin

44. The Committee of Experts on Public Health appointed a group of experts on blood problems (France, Netherlands, Norway and United Kingdom) to consider the possibility of including stocks of test sera of human origin for determining blood groups in the Agreement on the exchange of therapeutic substances, signed in Paris on 15th December 1958.

45. The group of experts met in London from 8th to 11th July 1959. They worked out practical arrangements for pooling test sera in member countries and drew up a report for submission to the Committee of Experts on Public Health.

2.5. Chapter V - Refugees and Over-population

2.5.1. a) World Refugee Year

46. In the course of their discussions on the Council of Europe's participation in the World Refugee Year, launched by the United Nations, the Committee of Ministers examined the different points in Assembly Recommendation 197 (1959).

47. On paragraph 1, they signified their agreement as regards the co-operation of Member Governments of the Council in arrangements for the World Refugee Year.

48. The Committee of Ministers were unable to take action on the Assembly proposals in paragraphs 2 and 3 concerning the creation of a special Council of Europe fund. It was felt that such a fund might duplicate the work of the United Nations. Moreover, the use to which the sums collected by the national Committees was to be put had in many cases already been decided, and the Committee of Ministers did not think it possible to ask the Governments to invite these Committees to put them to a different use. Finally a special fund did not seem to be essential for implementing the Council of Europe's programme.

49. The Committee of Ministers decided, however, that any sums placed at the disposal of the Council for the benefit of the World Refugee Year should be paid into a special account to develop publicity and assistance for the refugees.

50. The Committee of Ministers agreed that no action should be taken on the proposal in paragraph 4, as some Governments questioned the advisability of a collective approach to the overseas immigration countries.

51. On the other hand, the Committee of Ministers approved the first six proposals set out in paragraph 5 of the Recommendation, provided that no call was made on the Budget of the Council. In accordance with the suggestion for propaganda through the media of press, radio and television, the Committee of Ministers decided on the terms of an appeal on behalf of the refugees. The appeal was launched on 1st July, opening day of the World Refugee Year (Appendix III).

52. The Committee of Ministers had expressed itself in favour of the Assembly proposal for the sale of souvenir envelopes in France. However, this suggestion could not be put into effect, since the French Postal Administration was not able to waive existing regulations concerning the use of the stamps serving exclusively for official correspondence of the Council of Europe.

53. With regard to the suggested preparation of several modest refugee reclassification schemes, the Committee of Ministers agreed that they would, if necessary, re-examine this proposal on the basis of such projects as might be submitted to them by the Special Representative, if the Council had funds available as a result of its activities in the World Refugee Year.

54. The Committee of Ministers will keep the Assembly informed of developments in connection with the Council's programme for the World Refugee Year.

55. The Committee of Ministers also noted Resolution 167 (1959) on the participation of the Council of Europe in the World refugee Year.

2.5.2. (b) Action by the Special Representative in the vocational training field

56. The Committee of Ministers is still studying proposals relating to the training of unskilled labour put forward by the Special Representative (Doc. 975, para. 42).

2.5.3. (c) Privileges and Immunities of Resettlement Fund

57. As stated in the Tenth Statutory Report (Doc. 975, para. 51), seven of the eight countries, Parties to the Partial Agreement on the Council of Europe Resettlement Fund, had signed the 3rd Protocol to the General Agreement on Privileges and Immunities of the Council, relating to the privileges and immunities of the Fund itself.

58. On 20th April 1959, Iceland added her signature to those of the other seven countries, namely Belgium, France, the Federal Republic of Germany, Greece, Italy, Luxembourg and Turkey.

2.6. Chapter VI - Cultural Questions

2.6.1. (a) Radio courses for Eastern European countries

59. The Committee of Ministers recognised the value of the suggestions put forward by the Assembly in Recommendation 199 (U59) on the radio courses sponsored by the College of Europe at Bruges for broadcasting to European countries behind the Iron Curtain. It considered however that, in present circumstances, it was inadvisable to put them into effect.

2.6.2. b) Cultural exchanges with Eastern Europe

60. The Committee of Ministers recognised the importance of the ideas expressed by the Assembly in Recommendation 200 (1959) concerning a programme of cultural exchanges with the countries of Eastern Europe under the auspices of the Cultural Fund. The thought however, that the proposals contained in the Recommendation could scarcely be implemented in the immediate future.

61. The cost of endowing scholarships to enable students from Eastern Europe to pursue part of their studies in Western universities (point (i)) would be considerable. The Cultural Fund had only limited resources which were barely sufficient to carry out the cultural programme of the Council of Europe. The Committee of Ministers therefore thought it preferable that any such scheme should be brought up within the framework of UNESCO where it could not, moreover be construed as having a political character.

62. For similar reasons, the Committee of Ministers decided that no action could be taken on the Assembly's proposal concerning grants to the Writers' and Authors' Committee for European Mutual Assistance or to the College of Europe at Bruges for the publication of its radio courses.

2.6.3. (c) Fifteenth Session of Committee of Cultural Experts

63. The fifteenth Session of the Committee of Cultural Experts was held at Strasbourg from 28th May to 3rd June 1959. Observers from W. E. U. and UNESCO attended the proceedings.

2.6.3.1. A. Decisions approved by the Committee of Ministers

64. The Committee of Ministers considered the report of the Committee of Cultural Experts and took the following decisions on the questions listed below :

(i) Effectus civilis

65. The Committee of Ministers adopted resolution (59) 19, as follows :

The Committee of Ministers, Having regard to the 15th Report of the Committee of Cultural Experts and the memorandum on the effectus civilis of university degrees appended thereto (Doc. CM (59) 76 and Appendix VI), which includes an opinion on recommendation 176 of the Consultative Assembly on the equivalence of agricultural diplomas,

Resolves to set up an ad hoc Committee of Experts to study ways and means of solving the problems of the effectus civilis of university of university degrees and technological diplomas, other than those concerning the right of establishment,

Instructs the Secretary General to invite interested intergovernmental organisations and the European Communities to send observers to meetings of that Committee.

The Council of Europe bear the expenses of one expert per Member State.

(ii) Draft Convention on academic recognition of university qualifications

66. The Committee of Ministers considered the draft Convention on the academic recognition of university qualifications prepared by the Committee of Experts.

7. It will shortly resume its consideration of this question

(iii) European Exhibitions

68. The Committee of Ministers approved the conclusions of the Committee of cultural Experts recommending that Governments of Member States should make allowance in their national budgets for the cost of participating in European Exhibitions.

(iv) Youth

69. The Committee of Ministers agreed to the proposal submitted by the Cultural Experts that the Secretary General be authorised to establish a new post in the Cultural Division for a specialist on youth questions.

(v) Special contribution to the Cultural Fund

70. In pursuance of the Experts suggestion, the Committee of Ministers decided that the balance of the subsidy for translation of Europe and the Europeans, amounting to £1,634. 11s. 11d. should be transferred to the Cultural Fund.

2.6.3.2. B. Decisions taken by the Committee of Experts

71. The Committee of Ministers further noted the following decisions adopted by the Committee of Cultural Experts during its 15th Session :

(i) Study tours for workers

72. The 1959 subsidy will be divided between Ireland, Italy and Norway.

(ii) Courses of European Studies

73. The 1960 Course of European Studies will be reserved for those in charge of youth clubs and centres.

(iii) Courses on the presentation of the European Idea

74. The 1960 course, which will be organised by the Netherlands Government in conjunction with the Belgian Government, will be devoted to adult education.

75. The 1961 course will be organised by the Italian Government. Its theme will be the teaching of civics and the training of the European citizen.

(iv) Youth

76. At the invitation of the French Government, a meeting of senior youth officials will be held in Paris in the spring of 1960 to consider the setting up of a permanent Youth Sub-committee of the Committee of Cultural Experts, and to prepare a programme of work.

(v) Education

77. The French Government have offered to hold, in October or November of this year, a meeting of officials with responsibility at the highest level in primary, secondary and technical education, with a view to considering, in particular, the advisability of setting up a system of permanent intergovernmental cooperation. The Committee of Experts has accepted the offer.

78. The Committee of Cultural Experts will meet again in May 1960.

2.6.4. (d) Appointment of members of Joint Cultural Committee

79. The Committee of Cultural Experts appointed the following members to represent it on the Joint Cultural Committee : MM. Meray, Chairman (Turkey), Haigh, Vice-Chairman (United Kingdom), Christophersen (Norway), Fouchet (France), Reinink (Netherlands).

2.6.5. (e) Council of Europe Cultural Fund

2.6.5.1. (i) Inaugural ceremony

80. The ceremonial inaugural session of the Council of Europe Cultural Fund was held at Europe House, Strasbourg, on 26th May.

81. The Secretary-General of the Council presided, and among those present were the Ministers of Education, or their representatives, of Austria, Belgium, the Federal Republic of Germany, Ireland, Italy, Luxembourg, Netherlands and the United Kingdom, the Presidents of the European Parliamentary and Consultative Assemblies, the Chairman of the Ministers Deputies, the Chairman and Vice-Chairmen of the Cultural Committee, the representative of the European Cultural Foundation and the Director of the European Cultural Centre.

2.6.5.2. (ii) Gifts to the Fund

82. The Committee of Ministers took formal note of a gift to the Cultural Fund of 25,000 DM from the Government of the Federal Republic of Germany and authorised the Administrative Board to accept a gift of 50,000 DM from the German National Committee.

83. A gift of 300,000 francs has been offered by the Prefect of the Bas-Rhin and the Mayor of Strasbourg.

2.6.5.3. (iii) Second meeting of Administrative Board

84. The Administrative Board of the Cultural Fund held its second meeting on 26th May 1959 in Strasbourg. The first was held last January (Doc. 975, paragraphs 55-58).

85. It considered the general policy of the Fund and examined applications for grants submitted by various organisations.

2.6.5.4. (f) Translation of literary works written in the lesser known European languages

86. The first work in this series, sponsored by the Council of Europe, was published in 1958 by Gyldendal, Copenhagen.

87. It is "The Waving Rye", by Johannes V. Jensen.

2.6.5.5. g) European Exhibitions

(i) 1959 Exhibition

88. The fifth European Exhibition sponsored by the Council of Europe, organised this year by the United Kingdom, was opened in London on 10th July by the Duke of Wellington in the presence of Sir Kenneth Clark, Chairman of the Arts Council of Great Britain.

89. The subject of the exhibition, which will remain open at the Tate Gallery and the Arts Council Gallery until 27th September, is "The Romantic Movement from 1750 to 1850".

90. Different aspects of romanticism are illustrated by nearly 380 paintings and many sculptures and other works of art from Belgium, Denmark, France, the Federal Republic of Germany, Ireland, the Netherlands, Norway and Sweden. Spain is taking part in a European Exhibition for the second time since her accession to the Cultural Convention. Works have also been lent by Switzerland, the United States of America, Poland and Yugoslavia.

(ii) 1960 Exhibition

91. The sixth European Exhibition organised under the auspices of the Council of Europe will be held in France in 1960 with the theme "Sources of the 20th Century - the Arts between 1884 and 1914".

2.6.5.6. (h) Council of Europe Research Fellowships

92. The Selection Committee for the Council's Research Fellowships, which cover problems of European integration and various aspects of European civilisation, met in Strasbourg on 24th June 1959.

93. For the current year, 12 candidates, out of the 72 who applied, were awarded fellowships.

94. Of the successful candidates, three are French (including one refugee living in France), three German, two Italian, one Belgian, one Irish, one Greek and Swedish.

2.6.5.7. (i) Council of Europe Film Prize

95. At the Edinburgh Film Festival the panel appointed by the Committee of Cultural Experts awarded the following Council of Europe Prizes on 22nd August 1959 :

full-length films : "The Immortal Land" (United Kingdom) and "Praise the Sea" (Netherlands) ;

documentaries : "Berlino Problema Europeo" (Italy) and "Campbell Tnuniphs agam" - "Minehead gets K. O." - "Reproach to Civilization" (United Kingdom).

96. The Committee of Cultural Experts also decided that the award of the Council of Europe Film Prizes will be made at the Venice Film Festival in 1960, at the Holland Festival (Arnhem) in 1961 and at the Cork Festival in 1962.

2.7. Chapter VII - Convention for the Protection of Human Rights and Fundamental Freedoms

2.7.1. (a) Preliminary note

97. As in previous reports, this chapter contains only information relating to the Convention itself in so far as it concerns the Contracting Parties and the Committee of Ministers. It does not deal with the organs set up under the Convention to ensure the observance of undertakings by the Contracting Parties. Those organs - the European Commission and Court of Human Rights - act quite independently, and their members sit purely in an individual capacity. Hence it is their prerogative, to the extent allowed by the Convention, to divulge facts about their proceedings, for example their rules and procedure, the number and subjects of Applications brought before them, or their decisions.

2.7.2. (b) Application No. 176/56 by the Greek of the Government concerning the application Convention in Cyprus

98. On 7th May 1956, the Greek Government lodged with the Commission under Article 24 of the Convention, an Application (No. 176/56), against the Government of the United Kingdom of Great Britain and Northern Ireland, relating to the application of the Convention in the Island of Cyprus.

99. The Application was declared admissible on 2nd June 1956 and referred to a Sub-commission of seven appointed to establish the facts and seek a friendly settlement between the Parties (Articles 28 and 29 of the Convention). After acknowledging the failure of the attempt to arrange a friendly settlement, the Plenary Commission used the factual findings of the Sub-commission (some members of which had been to Cyprus in January 1958 to gather information) to draw up its report.

100. Since neither Greece nor the United Kingdom has recognised the jurisdiction of the European Court of Human Rights as compulsory (Article 46 of the Convention), the case could have been brought before it only with the ad hoc consent of both States. Only Greece gave her consent.

101. The Committee of Ministers of the Council of Europe was therefore required, in accordance with Article 32 of the Convention, to decide by a two-thirds majority whether the Convention had been violated.

102. Meanwhile Greece, Turkey and the United Kingdom - the three States most closely concerned in the Cyprus question - reached an understanding on the future position of the island.

103. At its 24th Session, after recording with satisfaction the political settlement of the Cyprus question reached in Zurich and London, the Committee of Ministers, on the joint motion of Greece and the United Kingdom, adopted Resolution (59) 12, which it brought to the Assembly's notice (Doc. 987).

2.7.3. (c) Renewal of declaration by Belgium under Article 25 of the Convention

104. The Belgian Government have lodged with the Secretariat-General a declaration recognising, for a further period of five years from 30th June 1959 (instead of two years as previously), the competence of the European Commission of Human Rights to receive the Applications referred to in Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

105. The instrument of ratification of this declaration was deposited at the same time.

106. Nine member countries of the Council now recognise the right of individual application, viz. Austria, Belgium, Denmark, the Federal Republic of Germany, Iceland, Ireland, Luxembourg, Norway and Sweden.

2.8. Chapter VIII - Legal and Administrative Questions

2.8.1. (a) European Convention on Compulsory Motor Insurance

107. The European Convention on Compulsory Insurance against civil liability in respect of motor vehicles was opened for signature at the 24th Session of the Committee of Ministers on 20th April 1959 (Doc. 987).

108. The Convention was signed by Austria, Belgium, France, the Federal Republic of Germany, Greece, Italy, Luxembourg, Norway and Sweden. It will come into force 90 days after the deposit of the fourth instrument of ratification.

109. Countries acceding to this Convention undertake to ensure, within six months of its entry into force, that the rights of persons who have suffered damage in its territory by an accident involving a motor vehicle shall be protected through the introduction of a system of compulsory insurance. Provision is made for certain reservations and exemptions. For example, the parties retain the option to exempt from compulsory insurance certain categories of motor vehicles, considered to present little if any danger, or owned by public authorities or international organisations.

110. The acceding countries agree to promote the establishment and operation of bureaux for the issue of international insurance certificates. They undertake, moreover, either to establish a guarantee fund or to make other equivalent arrangements in order that injured parties are properly compensated even in cases where, for instance, the obligation to be insured has not been complied with or the person liable has not been identified.

111. At their meeting of 4th to 9th June 1959, the Ministers Deputies adopted two Resolutions giving effect to recommendations of the Committee of Experts on compulsory motor insurance and supplementing the provisions of the Convention.

112. The first (Resolution (59) 13) recommends that Governments signatory to the Convention should extend compulsory insurance to cycles fitted with an auxiliary engine or, where appropriate, exempt such cycles during a transitional period only.

113. The second (Resolution (59) 14) recommends that the signatory Governments should adopt a standard form of certificate.

2.8.2. (b) European Convention on Mutual Assistance in Criminal Matters

114. The European Convention on Mutual Assistance in Criminal Matters was opened for signature at the 24th Session of the Committee of Ministers on 20th April 1959 (Doc. 987).

115. It was signed by the following countries : Austria, Belgium, Denmark, Federal Republic of Germany, Greece, Italy, Luxembourg and Sweden. It will come into force 90 days after deposit of the third instrument of ratification.

116. The purpose of the Convention is to bind the signatory countries to afford one another the widest measure of mutual assistance in proceedings in respect of offences the punishment of which falls within the competence of the judicial authorities of the requesting party at the time when the assistance is requested.

117. The requested party must execute any letters rogatory addressed to it by the judicial authorities of the requesting party for the purpose of procuring evidence or transmitting articles to be produced in evidence, records or documents.

118. Assistance may be refused, however, if the request concerns an offence considered to be a political offence or one connected with a political offence, or to be a fiscal offence, or if the request is considered likely to prejudice the vital interests of the requested party.

2.8.3. (c) Simplification of frontier formalities

2.8.3.1. (i) Work of Special Committee

119. The Special Committee of senior officials for the simplification of frontier formalities held their eighth Session on 22nd and 23rd June 1959 in Vienna.

120. The Special Committee's proposals are being studied by Member Governments.

2.8.3.2. (ii) European Agreement on the Abolition of Visas for Refugees

121. The European Agreement on the Abolition of Visas for Refugees was opened for signature at the 24th Session of the Committee of Ministers on 20th April 1959 (Doc. 987).

122. Belgium and France signed without reservation in respect of ratification, while the Federal Republic of Germany and Luxembourg signed subject to ratification.

123. On 4th June, the Netherlands signed the Agreement subject to ratification.

124. The Agreement will come into force one month after it has been ratified or signed without reservation in respect of ratification by three Members of the Council.

125. The Agreement is designed to simplify frontier formalities by exempting refugees from visas if they hold a valid travel document, provided they stay less than three months in the territory of another member country. The provisions of the Agreement are without prejudice to the laws or regulations governing visits by aliens to the territory of a member country.

2.8.3.3. (iii) Measures on behalf of refugees

126. Following Resolution (58) 5, adopted by the Committee of Ministers in March 1958 on the proposal of the United Nations High Commissioner for Refugees (Doc. 806, para. 40), Member Governments introduced a number of measures on behalf of refugees.

127. These measures were communicated to the Assembly in the form of replies to written questions (Docs. 913 and 1015).

2.8.4. (d) European Civil Service

2.8.4.1. (i) Third Report of Working Party

128. The Committee of Ministers received the Third Report of the Working Party on a European Civil Service.

129. This Report will be studied by the Committee of Ministers later. It was transmitted to the Consultative Assembly for information

2.8.4.2. (ii) Status of Working Party

130. The Committee of Ministers decided to transform the Working Party set up under resolution (55) 19 into a Consultative Committee on the European Civil Service. To this end, they adopted the following Resolution (59) 16 :

The Committee of Ministers, Having regard to .Resolution (55) 19 setting up a Working Party on problems of a European Civil Service ;

Having regard to the need to formulate the terms of reference of the Working Party and in particular to assign to it a consultative function in its own sphere ;

Having regard to the opinion rendered on this question by the Working Party on 24th March 1959,

Resolves as follows :

1. The Working Party on the European Civil Service shall be transformed into a Consultative Committee on the European Civil Service.

2. The Consultative Committee shall have the following terms of reference :

(a) to continue the work of the present Working Party, particularly as regards the drafting of model regulations ;

(b) to exercise a consultative function when requested by Governments and organisations on matters falling within its competence ;

(c) to serve as a co-ordinating agency between organisations ;

(d) to furnish organisations with documentation on all staffing problems.

3. The present terms of reference are assigned for a period of three years, after which the Committee of Ministers will decide whether the said activities will be continued, and, if so, in what manner. "

2.8.5. (e) Exchange of television programmes

132. The Committee of Legal Experts for the Exchange of Television Programmes, which the Committee of Ministers decided to set up in March 1957, held their third Session at the headquarters of the Council from 29th June to 2nd July 1959. Observers were present from the International Bureau for the Protection of Literary and Artistic Works, the International Publishers Association, the *Bureau International de l'Édition Mécanique*, the European Broadcasting Union, the International Confederation of Societies of Authors and Composers and UNESCO.

133. The Committee of Ministers will examine the report of the Committee of Experts in the near future.

2.8.6. f) Prevention of crime and treatment of offenders

134. The Bureau of the European Committee on Crime Problems (E.C.C.P.), meeting in London on 22nd May 1959, came to certain decisions regarding co-ordination of the work of its five sub-committees. One decision was to ask the plenary Committee to consider the question of a criminological study of the problem of road traffic offences, including methods of prevention and punishment and a standardisation of highway codes.

135. Sub-committee No. 2, on civil and political rights of prisoners and discharged prisoners, held its third meeting on 23rd and 24th June in Paris. It drew up preliminary draft regulations concerning the capacity of prisoners in the matter of civil, political and social rights.

136. Sub-committee No. 4 held its fourth meeting from 3rd to 7th July in Paris. A preliminary draft European Convention on the punishment of road traffic offences was drawn up.

137. Both preliminary drafts will be submitted to the plenary Committee for consideration in the near future.

2.8.7. (g) Production and marketing of wine products and spirits in Europe

138. The Committee of Experts, set up under Resolution (59) 1 of the Committee of Ministers of 29th January 1959 in compliance with Recommendation 182 (1959), held their first meeting from 10th to 12th June 1959 in Strasbourg.

139. They examined the question of regulations governing wine production and drafted definitions of wine, must, special wines and dessert grapes.

140. The Committee decided to invite observers from Switzerland, Spain, Portugal and the International Wine Office to their future meetings.

141. The next meeting of the Committee will take place in November 1959.

2.8.8. (h) Arbitration in respect of international relations of private law

142. As stated in the 10th Statutory Report (Doc. 975, paras. 73-74), the Committee of Ministers instructed the Committee of Experts on arbitration in respect of international relations of private law to prepare a draft convention on a uniform arbitration law.

143. The Committee of Experts will meet on 1st December 1959 at the headquarters of the Council of Europe.

2.8.9. (i) Reduction of cases of multiple nationality

144. The Committee of Experts, set up by the Committee of Ministers Resolution (58) 16 of 26th September 1958 in compliance with Assembly Recommendation 164 (1958) (Doc. 863, para. 154), held their second Session from 1st to 8th June 1959 in Strasbourg.

145. On the basis, of the Assembly Recommendation 164 they prepared a draft convention which will receive a final revision at the third Session in March 1960.

2.8.10. (j) Maintenance allowances for children

146. The Committee of Ministers examined Recommendation 196 on the ratification of the Convention on the recognition and enforcement of orders on maintenance allowances for children. The position of Member Governments in this matter is as follows :

Austria has ratified the Convention, but the instrument of ratification has not yet been deposited;

Belgium signed the Convention on 11th July 1958 and the ratification Bill will shortly come before the Chambers;

France has not signed it;

The Federal Republic of Germany signed the Convention on 8th (October 1958) and it is in process of ratification;

Greece has signed the Convention, and it is in the process of ratification ;

Italy signed the Convention on 15th April 1958 and it is in process of ratification ;

Luxembourg is studying the possibility of signing;

The Netherlands signed the Convention on 25th May 1959;

Norway has signed the Convention and it should be ratified during 1960;

Ireland and the United Kingdom do not expect to sign the Convention

2.8.11. (k) Penal reform

147. The Committee of Ministers decided to send Recommendation 195 (1959) on penal reform to the European Committee on Crime Problems for an opinion.

148. They instructed the Secretariat to prepare a preliminary study of the recommendations of the United Nations Congress and of any work being done by other organisations in the field covered by the Recommendation.

149. The Committee of Ministers will keep the Assembly informed of the action they take on the suggestions in the Recommendation

2.8.12. (l) Nationality of children of stateless persons

150. The Committee of Ministers have drawn the attention of Governments of Member States concerned to the views expressed by the Assembly in Recommendation 194 regarding the nationality of legitimate children of a marriage between a stateless person and a woman national of a Member State.

51. The Belgian Government have stated that they cannot support this Recommendation. Nevertheless, the Belgian authorities plan to review this matter together with the whole problem of stateless persons after the forthcoming debates on the proposals of the first Conference of Plenipotentiaries held at Geneva from Mardi to April 1959.

152. The Luxembourg Government states that Recommendation 124 of the Consultative Assembly of the Council of Europe has been given close attention. However, the Luxembourg Government thinks it advisable to await the results of the work now being done in this connection by the International Commission on Civil Status at The Hague.

153. The Government of the Federal Republic of Germany has announced that the German authorities would like to see the present German law on nationality amended on the lines of Recommendation 194. This could only be done, however, by introducing completely new regulations on German nationality.

2.8.13. (m) Agreement on the exchange of war cripples

154. On 29th April 1959, the Belgian Government deposited with the Secretariat its instrument of ratification of the Agreement on the exchange of war cripples between Members of the Council of Europe with a view to medical treatment, opened for signature on 13th December 1955.

155. The Greek Government deposited its instrument of ratification of this Agreement on 5th June 1959.

156. The Agreement is now in force for Austria, Belgium, Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden, Turkey and the United Kingdom.

2.8.14. (n) European Consular Convention

157. The Committee of Ministers adopted Resolution 59 (20) as follows :

The Committee of Ministers,

Having regard to the Memorandum on the drafting of a European Consular Convention (Doc. CM (59) 49),

Instructs the Secretary-General to convene a Committee of Government Experts to draft a European Consular Convention.

The Council of Europe will bear the expense of two experts per Member State."

2.9. Chapter IX - Information Questions

European Schools Day

158. European Schools Day was held, under the patronage of the Council of Europe, in Austria, Belgium, Denmark, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands and the United Kingdom, and in three Swiss cantons. The subjects were connected with the 10th anniversary of the Council of Europe. Nearly a million and a half schoolchildren participated.

159. The prize-giving took place on 18th July 1959 at Europe House as part of the 10th Anniversary celebrations. 97 winners from 11 countries, and about 50 teachers, were present.

160. The Secretary General presented the Gold Medal of the Council to a Belgian school-boy, placed top of the list. The prize founded by the President of the Assembly went to an Italian schoolboy and that of the City of Strasbourg to a Dutch schoolgirl.

161. All the prizewinners received travel scholarships offered by the Council of Europe, the European Communities and the Governments.

3. SECTION II - General administration of the Council of Europe

3.1. (a) Permanent Representatives of Governments to the Council of Europe

162. Monsieur V. U. Hammershaimb has been appointed Permanent Representative of Denmark to the Council of Europe in succession to Madame Bodil Begtrup.

163. Mr. J. H. Peck has been appointed United Kingdom permanent Representative in succession to Mr. G. Meade.

164. Monsieur Hans Georg Steinmann has been appointed Deputy Permanent representative of the Federal Republic of Germany in succession to Monsieur H. Bock.

3.2. (b) Assembly sessions elsewhere than at headquarters of the Council of Europe

165. In accordance with the desire expressed by the Consultative Assembly, the Committee of Ministers again examined the question of holding sessions of the Assembly elsewhere than at Strasbourg.

166. The Chairman of the Ministers Deputies sent the President of the Assembly the letter reproduced at Appendix IV.

3.3. (c) Opinion No. 31 (1959) on Council of Europe Budget for 1960

167. The Committee of Ministers will examine Opinion No. 31 (1959) at the same time as the draft Budget of the Council for the financial year 1960.

3.4. (d) Guided tours of the House of Europe

168. In connection with point 5 of Opinion No. 31, the Committee of Ministers, at the beginning of the tourist season, took certain provisional steps to improve the arrangements for guided visits to the House of Europe.

169. During the period from 1st April to 1st September 1959, more than 35,000 people visited Europe House. The organisation and achievements of the Council of Europe were explained to them in French, English and German.

Time-table of Meetings

21st April

European Court of Human Rights (Strasbourg)

21st April

European Commission of Human Rights (Strasbourg)

24th April

International Commission Status (Strasbourg)

27th April

Administrative Council Resettlement Fund (Paris)

29th April

Working Party on a European Service (Paris)

20th-22nd May

Committee of Experts on Social Security (Strasbourg)

22nd May

Bureau of the European Committee on Crime Problems (London)

26th May Inaugural sitting of the Administrative Board of the Cultural Fund (Strasbourg)

26th May

2nd meeting of the Administrative Board of the Cultural Fund (Strasbourg)

27th May

Bureau of the Committee of Cultural Experts (Strasbourg)

28th May-3rd June

Committee of Cultural Experts (Strasbourg)

1st June

Budget Committee (Strasbourg)

1st-8th June

Committee of Experts on Multiple Nationality (Strasbourg)

3rd-5th June

Administrative Council of the Resettlement Fund (Paris)

4th-6th June

Three-Member Group of the Commission of Human Rights (Strasbourg)

4th-9th June

73rd meeting of the Ministers Deputies (Strasbourg)

10th-12th June

Committee of Experts on Wines and Spirits (Strasbourg)

12th-16th June

Working Group of the European Court of Human Rights (The Hague)

22nd-23rd June Special Committee for the Simplification of Frontier Formalities (Vienna)

23rd-24th June

Sub-committee on the civil and political rights of prisoners (Paris)

24th June

Selection Committee for Council of Europe Research Fellowships (Strasbourg)

25th-27th June

Governing Body of the Resettlement Fund (Paris)

25th June

Study Group on Pensions (Strasbourg)

26th June-8th July

European Commission of Human Rights, three Sub-Commissions and one Three-Member Group (Strasbourg)

29th June-2nd July

Committee of Legal Experts on Television Programmes (Strasbourg)

1st-3rd July 74th

meeting of the Ministers' Deputies (Strasbourg)

3rd-7th July

Sub-committee on road traffic offences (Paris)

8th-11th July

Group of specialists in blood problems (London)

10th July

Opening of the 5th European Art Exhibition "The Romantic Movement" (London)

22nd August Council of Europe Film Jury (Edinburgh)

28th August-3rd September

Commission and Sub-Commission of Human Rights (Strasbourg)

7th-10th September

75th meeting of the Ministers' Deputies (Strasbourg)

8th September

Committee of Experts on the Liability of hotel-keepers (Strasbourg)

Appendix 1 – Letter sent by the Secretary-General to M. Marcelo Mathias, Portuguese Minister for Foreign Affairs and to M. Max Petitpierre, Head of the Political Department of the Swiss Federal Council, inviting Portuguese and Swiss Members of Parliament to take part in debates of the Consultative Assembly

Strasbourg, 21st June 1959

Your Excellency (Sir),

On 20th April 1959, the Committee of Ministers of the Council of Europe proposed to the Consultative Assembly as a preliminary means of strengthening the links between the O. E. E. C and the Council of Europe that Members of Parliament from OEEC countries not Members of the Council of Europe should be invited to take part in the debates of the Assembly on the reports of O.E.E.C. and economic questions.

Subsequently, on 5th May, the Standing Committee, acting on behalf of the Assembly, agreed to this proposal and instructed the Bureau to work out, in agreement with the Committee of Ministers, appropriate measures to achieve this purpose.

Following discussions between the Committee of Ministers and the Assembly, I am now authorised by the Committee of Ministers and the Consultative Assembly to convey through you an invitation to the Portuguese (Swiss) Parliament to appoint representatives to attend the above-mentioned debates of the Assembly.

I shall accordingly be grateful if you will be so good as to let me have your views in due course. If, as the Council of Europe hopes, the answer is favourable, the details of such arrangements as are required to implement this proposal can be worked out when mutually convenient between the Portuguese (Swiss) Parliament and the Assembly.

I have the honour, etc...

Signed : Lodovico Benvenuti

Appendix 2 – Arrangement between the Committee of Ministers of the Council of Europe and the Commission of the European Economic Community

Strasbourg, 18th August 1959

Sir,

In December 1957 the Committee of Ministers adopted Resolution (57) 27 which expressed the wish :

" that , as soon as the institutions of the European Economic Community and the European Atomic Energy Community were set up, close relations should be established between the Assembly of the Council of Europe and the Communities of the Six and, in general, between the Council of Europe, on the one hand, and the European Economic Community and European Atomic Energy Community, on the other.

" Having noted, in April 1958, that the institutions of the new European Communities had been set up, the Committee of Ministers instructed the Secretary-General, by Resolution (58) 11, to enter into contact with the European Economic and Atomic Energy Communities with a view to examining ways and means of establishing close relations between the Council of Europe and those Communities.

With regard to relations between the Committee of Ministers and the Commission of the Economic Community, I have the honour to inform you that, after learning the result of our joint conversations, the Committee of Ministers has agreed to the following arrangements, without prejudice to any general agreement which may subsequently be concluded with the Community.

1. The Commission will communicate to the Committee of Ministers its annual General Report, which it is required to prepare under Article 156 of the Treaty of 25th March 1957, establishing the European Economic Community. It will participate in the Committee's discussion of any problems dealt with in that report. A representative of the Commission will participate in any meetings of the Ministers' Deputies at which these problems are discussed.

2. The Committee of Ministers may address to the Commission any comments it may have to make on the report submitted by the Commission.

3. The Committee of Ministers may invite the Commission to participate in its discussion of any other problems of a general nature which are of concern to the Commission. A representative of the Commission may be invited to attend meetings of the Ministers' Deputies at which such problems are discussed.

4. The experts of the Commission may, where appropriate, be invited to take part in meetings of the committees of governmental experts of the Council of Europe dealing with problems of interest to the Community.

5. The experts of the Secretariat-General of the Council of Europe may, when appropriate, be invited by the Commission to hold an exchange of views with its administrative departments on problems of interest to the Council.

6. The statutory report of the Committee of Ministers, the report of the Secretary-General of the Council of Europe on European co-operation and the official reports of the debates of the Consultative Assembly on European economic integration shall be transmitted to the Commission.

7. Under the present arrangement, the Commission and the Committee of Ministers of the Council of Europe may provide for other practical means of co-operation.

I should be grateful if you would let me know whether the above provisions are acceptable to your Commission.

I have the honour to be, Sir,

Your obedient Servant,

Signed : Lodovico BENVENUTI

M. Walter Hallstein, Chairman of the Commission of the European Economic Community, BRUSSELS

Brussels, 18th August 1959 S.1./05038

Sir,

I have to thank you for letter of today's date on the relations to be established between the Commission of the European Economic Community and the Committee of Ministers of the Council of Europe.

Without prejudice to any comprehensive agreement that may subsequently be reached between the Community and the Council of Europe, in accordance with Article 230 of the Treaty establishing the European Economic Community providing that the Community shall establish all suitable co-operation with the Council of Europe, I am glad to be able to inform you that, on behalf of the Commission of the European Economic Community I accept the provisions set out in your letter and reproduced below as a means of ensuring practical co-operation between the Commission and the Committee of Ministers of the Council of Europe :

1. The Commission will communicate to the Committee of Ministers its annual General Report, which it is required to prepare under Article 156 of the Treaty of 25th Mardi 1957, establishing the European Economic Community. It will participate in the Committee s discussion of any problems dealt with in that report. A representative of the Commission will participate in any meetings of the Ministers Deputies at which these problems are discussed.
2. The Committee of Ministers may address to the Commission any comments it may have to make on the report submitted by the Commission.
3. The Committee of Ministers may invite the Commission to participate in its discussion of any other problems of a general nature which are of concern to the Commission. A representative of the Commission may be invited to attend meetings of the Ministers Deputies at which such problems are discussed.
4. The experts of the Commission may, where appropriate, be invited to take part in meetings of the committees of governmental experts of the Council of Europe dealing with problems of interest to the Community.
5. The experts of the Secretariat-General of the Council of Europe may, when appropriate, be invited by the Commission to hold an exchange of views with its administrative departments on problems of interest to the Council.
6. The statutory report of the Committee of Ministers, the report of the Secretary-General of the Council of Europe on European co-operation and the official reports of the debates of the Consultative Assembly on European economic integration shall be transmitted to the Commission.
7. Under the present arrangement, the Commission and the Committee of Ministers of the Council of Europe may provide for other practical means of co-operation.

I have the honour to be, Sir,

Your obedient Servant,

Signed : Walter Hallstein

M. Lodovico Benvenuti, Secretary-General of the Council of Europe, Strasbourg

Appendix 3 – World Refugee Year

Though fourteen years have passed since the war ended, arms have not yet been laid down or peace restored in men's hearts throughout the world. Millions of refugees far away from their countries still suffer the wretched and precarious existence of the stateless. Thousands of children know no other life but that of the camps. Thousands of old people continue to end their days there, having never known a normal life again.

It is to put an end to this tragedy that the United Nations decided to institute " World Refugee Year ". Its aim is to succour all those who have suffered from war and its aftermath to rescue them from the camps, and to save them from destitution.

The Council of Europe has decided to give its support to the efforts of the United Nations, and is appealing today to all members of the European community to make common cause to end this unhappy situation.

Refugee committees have been set up in each country. All men of compassion and good will will want to help in this work. All who know the joys of a home to which peace has restored them will want to prevent men, women, children and old people from continuing to endure this moral and physical suffering. Their contributions will enable refugees to look more hopefully to the future.

Appendix 4 – Letter to the President of the Assembly on Assembly sessions outside Strasbourg

Dear Mr. President, Since the last meeting of the Joint Committee, the Committee of Ministers have again looked into the matter of Assembly sessions away from Strasbourg.

In view of Article 33 of the Statute which states that

“ordinary sessions of the Consultative Assembly shall be held at the seat of the Council unless both the Assembly and the Committee of Ministers concur that the session should be held elsewhere”,

the Committee of Ministers was obliged to note that sessions outside Strasbourg could only be viewed as exceptions.

Considering, furthermore, that any request on the part of the Assembly to meet away from Strasbourg raises many problems, including financial ones, the Committee of Ministers felt unable to give a general undertaking.

The Ministers are fully conscious, however, that there may occasionally be valid reasons for holding meetings of the Assembly elsewhere and are therefore prepared to give careful consideration to any specific request to this effect.

Yours - etc.

Signed: H. REICHMANN