Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Opinion 20 (1956)**[1]

# Proposal of the Committee of Ministers regarding the new methods of work for the Joint Committee

Parliamentary Assembly

1. The underlying motive for this proposal is contained in its third paragraph - the need "to establish more frequent contacts ... between the two organs of the Council of Europe", This is an aim which the members of the Assembly wholeheartedly support, and it gives cause for satisfaction that the Committee of Ministers should propose an alternative method of operation in the Joint Committee in pursuance of that aim.

2. In commenting on the proposal, the Assembly feels bound to emphasise, and to put in the first place of importance, the consideration in paragraph 2 of the proposal "that members of the Committee of Ministers ... appointed to attend meetings of the Joint Committee should as far as possible continue to take part ... in the Committee ....". This is, of course, particularly important, as paragraph 2 goes on to say, "before the opening of sessions of the Consultative Assembly and whenever the President of the Assembly considers it desirable to convene the Joint Committee at ministerial level". Nevertheless, the Assembly wishes to emphasise that the enumeration of those occasions on which the attendance in Joint Committee of members of the Committee of Ministers is above all desirable, should not in practice lead to a situation in which these are the only occasions on which members of the Committee of Ministers attend. Only too often what are proposed as minimum requirements become the practical maximum achieved.

3. Having stated this basic premiss, the Assembly wishes to make three specific comments on the new proposal of the Committee of Minister.

4. The first comment is that acceptance of the proposal of the Committee of Ministers should mean that the present unduly long intervals between meetings of the Joint Committee can be avoided and more frequent meetings held. This in turn will enable the Joint Committee in its meetings at the lower level to deal rapidly with minor problems arising in the course of current work, and to prepare fully the more important questions which the meetings of the higher level of the Committee will be called upon to discuss. In this way the Joint Committee will be able to provide further initiative for, and to play a more effective role in, the work of the Council of Europe. In particular the present proposal will enable the Joint Committee to discuss those Recommendations of the Assembly which the Committee of Ministers feels unable to accept immediately. The Assembly's particular wish that such recommendations be discussed in the Joint Committee has already been mentioned in the former's Opinion No. 13, paragraph 24. As the Joint Committee is presently constituted, since meetings can only be held infrequently, for practical reasons, discussion of Recommendations cannot take place.

5. Secondly, it must be clearly understood that there should be no idea, in consequence of the present proposal, of there being two committees, one having a Ministerial membership, the other the membership only of Ministers' Deputies. There is only one Joint Committee ; this would under the new proposal meet at two different levels, those cases where a meeting with Ministers' Deputies would be appropriate, being determined by the President of the Assembly. It would be the latter's sole power of decision which would guarantee the proper exercise of the dispensation now proposed. Furthermore, just as, for reasons of pressure of work, the Ministers themselves would be represented in some meetings of the Joint Committee by Deputies, so members appointed by the Assembly to sit in the Joint Committee could be replaced, if they so wish, and with

1. This Opinion was adopted by the Standing Committee at its meeting on 21st April, 1936 (see Doc. 510, draft Opinion of the Committee on General Affairs.

approval of the President, by other members of the Assembly who have specialised knowledge of any particular question to be dealt with. This would enable Presidents and Rapporteurs of Committees (who at the moment can only be invited to attend) to sit as full members when the occasion so warrants.

6. Thirdly, the Assembly points out that an important factor in considering the present proposal is one of parliamentary doctrine. Parliamentarians in their capacity as Assembly representatives should properly deal only with Ministerial representatives whose status stems from a parliamentary mandate. This is the case in the work of the Joint Committee as it has been conducted so far ; and corresponds to the relationship between Ministers and ordinary Members in national Parliaments, The fact that parliamentarians should be required, as the present proposals envisage, to work with Ministerial substitutes who are civil servants would deprive such collaboration of all parliamentary character. There must he no misunderstanding on this point.

7. To conclude, having examined all the considerations set out above on the Ministers' proposal, the Assembly accepts it, interpreting its implications in the way indicated.