Recommendation 358 (1963)[1]

Reactivation of the Council of Europe

Parliamentary Assembly

The Assembly,

Considering the role which the Council of Europe has played since 1949 and can continue to play in the future to "achieve a greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress" (Article 1 of the Statute);

Considering the advantage, after several years' work, of making a general reassessment of the methods employed by the Council of Europe to achieve this aim ;

Considering that various proposals have been studied in recent years with a view to increasing the efficiency of the institution and that some of these have been implemented but that others have not yielded the expected results ;

Considering the need to compare and rationalise the practices of the various organs of the Council of Europe ;

Having regard to the replies made by Governments to the aide-memoire sent to them by the Working Party on the re-activation of the Council of Europe,

Recommends that the following measures be taken to strengthen the authority of the Council of Europe by improving its working conditions.

Section A - The Assembly

I. Agenda

1. The Agenda of the Assembly should distinguish between :

a. questions put down with the agreement of the Committee of Ministers, agreement being reached in the Joint Committee ;

b. questions included on the decision of the Assembly alone (under the present provisions of Rules 14 and 15 of the Rules of Procedure).

2. For questions coming under paragraph 1 (a) above, the Committee of Ministers, if it does not act or acts only partially on an Assembly Recommendation, should communicate its observations to the Assembly, under Article 15 of its own Rules of Procedure, so that the Assembly may proceed to a second reading. It will communicate its observations both to the Joint Committee and to the Bureau of the Assembly, which informs the Committee concerned.

1. Assembly debates on 17th and 18th January 1963 (24th and 25th Sittings of the 14th Session) and on 8th and 9th May 1963 (5th and 6th Sittings of the 15th Session) (see Doc. 1548, Report of the Political Committee). Text adopted by the Assembly on 9th May 1963 (6th Sitting).

3. If, in the opinion of the competent Committee and the Bureau of the Assembly, the action taken by the Committee of Ministers on any Recommendation is not satisfactory, the question, after reference to the competent Committee, should be brought before the Joint Committee in an attempt to bring closer together the divergent views of the Assembly and the Committee of Ministers, prior to further debate before the Assembly.

4. For each Session of the Assembly, debates shall be so organised that the Ministers concerned may take part in discussions in the plenary Assembly, and possibly in committee.

II. Extension of the Assembly's action

After adopting a Recommendation, the Assembly shall attempt to arrange contacts with the Committee of Ministers, in order to present its own views, by :

a. the hearing by the Committee of Ministers of the Chairman or Rapporteur of the Committee concerned before the Committee of Ministers takes a decision ;

b. consideration in the Joint Committee, by a procedure to be decided by that Committee, of the action taken on all Recommendations ;

c. the tabling of written or oral questions regarding the implementation of Recommendations.

Methods (a) and (b) would be automatically applied in the case of items placed on the Assembly's Agenda by common consent. They are recommended for all other items, but it is left to the Joint Committee to decide.

Section B - The Committee of Ministers

The Assembly, taking into account governmental replies to an aide-memoire in which a certain number of precise questions were asked, and considering the need for increasing the political authority of the governmental organ of the Council of Europe, recommends the following measures :

1. In the spirit of Article 14 of the Statute, and with a view to specialisation in certain cases of the Committee of Ministers meeting at Ministerial level, two possible compositions of the Committee of Ministers might be considered : (i) meetings of Ministers or Secretaries of State for European Affairs ; (ii) meetings of specialised Ministers.

Since the majority of Governments do not favour the appointment of Ministers to deal particularly with European questions, the Assembly relinquishes the first possibility but urges the Committee of Ministers to draw up annually a list of special meetings of the Committee of Ministers, organised on an ad hoc basis, for which the Ministers for Foreign Affairs will delegate their powers to Ministers responsible for other departments, who will examine questions within their particular province (justice, education, social affairs, agriculture, etc.); such conferences of specialised Ministers to be held whenever called for by the volume and importance of the questions relating to their departments under consideration by the Council of Europe. The Secretary-General of the Council of Europe would attend such meetings in an advisory capacity, and the Secretariat would make the necessary arrangements.

The task of the Ministers' Deputies, under the responsibility of the Ministers for Foreign Affairs, would be : (i) to arrange for and co-ordinate the work of conferences of specialised Ministers ; (ii) to settle matters of general organisation in the interval between meetings of the Committee of Ministers at Foreign Minister level.

2. Certain internal measures within the Committee of Ministers would increase its authority, extend its practical action and make possible a true dialogue with the Assembly :

a. It should not simply pass on to Governments the Recommendations of the Assembly without, first of all, establishing a common point of view on the attitude to be taken by Governments ;

b. It should make sure, by obtaining regular information from Governments, that effective action is taken on Resolutions adopted by the Committee of Ministers ;

c. Whenever necessary, it should resort to the partial agreement procedure, and should not abandon a project which the majority regard as interesting, because one or two members veto it ;

d. It should inform the Assembly, in papers of a uniform category, of the observations of the Committee of Ministers on Recommendations rejected or only partially accepted by that Committee, so that debates on the second readings may be held in full knowledge of the facts.

Section C - The Joint Committee

The Assembly considers that the Joint Committee, if it is to carry out effectively its role of liaison and of bringing closer together the viewpoints of the two Council of Europe organs, should be reformed on the following basis :

1. The Joint Committee should consist of one representative of each member Government and an equal number of representatives of the Assembly, the President of the Assembly being among them ex officio. The other representatives of the Assembly should be elected by the Assembly on the proposal of the Bureau during the first part of each session.

2. The Joint Committee, although unable to take any decisions on the substance, should be in a position to take any decisions that will make further progress with a question either in the Assembly or in the Committee of Ministers. For this purpose the following practical provisions should be carried into effect :

   a. Meetings should be arranged before and after each of the main part-sessions, and one or two special meetings should in principle be permitted, on the proposal of the Secretary-General and the decision of the President of the Assembly ;

   b. Within the scope of its own powers, the Joint Committee should select the questions which should be included in the agenda of the Assembly by agreement between the Committee of Ministers and the Assembly ; and consideration should be given to measures to be taken for furthering the progress of questions before one or other of the Council of Europe bodies ;

   c. The Assembly's views on budgetary and administrative questions for which the Committee of Ministers is responsible should be taken into consideration.

3. Sub-paragraph (c) of paragraph (ii) of the Statutory Resolution of 1951, which reads : "The conclusions of the Joint Committee shall be reached without voting", should be rescinded, but this should not imply that a vote is compulsory.

Section D - The Secretariat

The staff of the Secretariat

The Assembly considers that the effectiveness of the Council of Europe depends on the proper functioning of the Secretariat which is a stable and permanent feature ; it recommends the adoption of the following measures, prior to the study of more far-reaching amendments.

5. The Model Staff Regulations for a European Civil Service should be made effective for the Council of Europe as early as possible, bearing in mind that the European Communities on 1st January 1962 instituted very similar Staff Regulations.

6. In the interest of the Council of Europe it is not desirable for the number of officials seconded from national administrations to exceed one-third of the number of posts in each category of Grade A.

7. The general administrative rules for the appointment and promotion of officials and, in particular, the principles laid down by Assembly Recommendation 49 and Resolution (53) 33 of the Committee of Ministers and clarified by subsequent interpretations (paragraphs 116 and 117 of the 6th Report of the Committee of Ministers, Doc. 357) should be made the subject of appropriate rules of application.

8. The institution of a pension scheme is essential for the creation of a true European Civil Service.

9. A joint Arbitral Tribunal which can pronounce its decisions ex aequo et bono is the only way of providing officials with the protection essential for the satisfactory administration of the service.