Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Recommendation 1212 (1993)**[1]

# Adoption of a revised Statute of the Council of Europe

Parliamentary Assembly

1. The Council of Europe has taken on new responsibilities at continental level since the democratic process started in the central and east European countries.

2. The Assembly therefore regards the revision of the Statute of the Organisation, which dates back to 1949, as essential and to this end it submits to the Committee of Ministers the draft revised Statute which it has prepared. The Assembly considers that the revised Statute should be adopted on the occasion of the summit of heads of state and government in Vienna in October 1993 , which will be a major political event in the life of the Council of Europe. This would then show the new role which has fallen upon the Council of Europe in the construction of Europe.

3. In addition to this political target, the revision will also make it possible:

   3.1. to up-date the Statute and bring its wording into line with current practice and with the institutional texts adopted by the Committee of Ministers since 1949;

   3.2. to adapt the Organisation's structure, particularly with a view to increasing its capacity for action and strengthening its ties with the main European institutions.

4. Consequently the Assembly recommends that the Committee of Ministers:

   4.1. approve the draft revised Statute of the Council of Europe;

   4.2. invite member states to adopt it on the occasion of the summit of heads of state and government in Vienna in October 1993;

   4.3. consult it on all draft statutory resolutions which are intended to advance the process of institutional reform, pending implementation of the proposed revision of the Statute.

*Draft revised Statute of the Council of Europe*

*Preamble*

5. The governments of the Council of Europe member states,

6. Convinced that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation,

7. Reaffirm their devotion to the spiritual and moral values which are the common heritage of all their peoples and the true source of individual freedom, political liberty and the rule of law, the principles which form the basis of all effective pluralist political democracy;

8. Believing that, for the maintenance and further realisation of these ideals and for the promotion of social and economic progress, there is need of a closer unity between all like-minded countries of Europe;

9. Recall that the Council of Europe was established for this purpose on 5 May 1949 by the Treaty of London;

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1. Assembly debate on 11May 1993 (32nd Sitting) (see Doc. 6788, report of the Committee on Rules of Procedure, Rapporteur: Lord Finsberg). Text adopted by the Assembly on 11May 1993 (32nd Sitting).

10. Consider that this unity must be extended over the whole of Europe and that acceptance of the values on which it is founded must be promoted among all the European peoples wishing to be part of it;

11. Decide to adapt accordingly the structures of the Council of Europe, whose function is to bring together all the countries of Europe for the purpose of co-operating together on an equal footing and developing ever-closer links within its framework, thereby safeguarding the peace, security and democratic stability of the continent.

*Chapter I - Aim of the Council of Europe*

Article 1

a. The aim of the Council of Europe is to achieve an ever-greater unity between its members, founded on the principles of parliamentary democracy, the rule of law and human rights, for the purpose of safeguarding and realising the ideals and values which are their common heritage and facilitating their social and economic progress.

b. This aim shall be pursued through the organs of the Council by discussion of questions of common concern, by conventions and agreements and common action in the fields necessary to achieve this unity with the exception of matters relating to national defence.

*Chapter II - Membership*

Article 2

The members of the Council of Europe are the Parties to this Statute.

Article 3

Every member of the Council of Europe must accept the principles of pluralist parliamentary democracy, of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms. It undertakes to collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I. In particular, it shall facilitate the fulfilment of their mission by the organs and the institutions of the Council of Europe.

Article 4

Any European state which is deemed to be able and willing to fulfil the provisions of Article 3 and which undertakes to adhere to the European Convention on Human Rights and to submit to the jurisdiction of the organs established under the Convention, may be invited by the Committee of Ministers, after obtaining the assent of the Parliamentary Assembly, to become a member of the Council of Europe. Any state so invited shall become a member upon the deposit with the Secretary General on its behalf of an instrument of accession to the present Statute.

Article 5

a. A European state which is deemed able and willing to fulfil the provisions of Article 3 may be invited by the Committee of Ministers, after obtaining the assent of the Assembly, to become an associate member of the Council of Europe. Any state so invited shall become an associate member upon the deposit with the Secretary General on its behalf of the instrument accepting the present Statute. An associate member shall be represented in the Parliamentary Assembly, without the right to vote. It may be invited by the Committee of Ministers to participate in meetings, without the right to vote.

b. The expression "member" in the Statute includes an associate member, except when otherwise stated.

Article 6

A state, interested in the activities of the Organisation may be granted observer status by the Committee of Ministers, after obtaining the assent of the Assembly. Observers are not represented in the Parliamentary Assembly and the Committee of Ministers unless a decision to the contrary is taken by one of those bodies.

Article 7

The Council of Europe shall maintain appropriate institutional and working relations with the European Community, in accordance with arrangements to be determined by the Committee of Ministers with the prior approval of the Parliamentary Assembly.

Article 8

An international intergovernmental organisation willing to co-operate closely with the Council of Europe and deemed able to make an important contribution to its work may be granted observer status by the Committee of Ministers after obtaining the assent of the Parliamentary Assembly.

Article 9

The Secretary General acting on behalf of the Committee of Ministers and after obtaining the assent of the Assembly may conclude co-ordination and co-operation agreements with other international intergovernmental organisations as well as agreements with non-member states wishing to participate in specific sectors of the Organisation's activities.

Article 10

The Secretary General may consult international non-governmental organisations which deal with matters that are within the competence of the Council of Europe and whose activities in the various fields of European co-operation must be encouraged. The establishment of formal working relations between the Council of Europe and international non-governmental organisations is subject to special regulations.

Article 11

Before issuing invitations under Article 4 or Article 5 above, the Committee of Ministers shall determine the proportionate financial contribution of the future member having regard to the population figure and the gross domestic product.

Article 12

Any member of the Council of Europe may withdraw by formally notifying the Secretary General of its intention to do so. When such notification is made within the first nine months of the year, it shall take effect at the end of the year. In this event, the state shall be liable for the whole amount of its contribution for that year. When notification is made during the last three months of the year, it shall take effect at the end of the following year, for which the state shall remain liable for the whole amount of its contribution.

Article 13

Any member of the Council of Europe which has seriously violated Article 3 may, after obtaining the assent of the Parliamentary Assembly, be suspended from its rights of representation or requested by the Committee of Ministers to withdraw under Article 12. If such member does not comply with this request, the Committee may decide that it has ceased to be a member of the Council as from such date as the Committee may determine after obtaining the assent of the Assembly.

Article 14

The Committee of Ministers may, after obtaining the assent of the Assembly, suspend the right of representation on the Committee and in the Parliamentary Assembly of a member which has failed to fulfil its financial obligations during such period as the obligations remain unfulfilled.

*Chapter III - General*

Article 15

The organs of the Council of Europe are:

1. the Committee of Ministers;
2. the Parliamentary Assembly.

These organs shall be served by the Secretariat of the Council of Europe.

Article 16

A conference of heads of state or government shall meet periodically within the framework of the Council of Europe to lay down the general policy guidelines for its activity, which the Assembly shall then consider.

Article 17

The seat of the Council of Europe is at Strasbourg.

Article 18

The official languages of the Council of Europe are English and French. The Rules of Procedure of the Committee of Ministers and the Parliamentary Assembly shall determine in what circumstances and under what conditions other languages may be used.

*Chapter IV - Committee of Ministers*

Article 19

The Committee of Ministers is the organ which acts on behalf of the Council of Europe, in accordance with Articles 21 and 22, without prejudice to the prerogatives of the Parliamentary Assembly.

Article 20

a. Each member shall be entitled to one representative on the Committee of Ministers, and each representative shall be entitled to one vote. Representatives on the Committee shall be the ministers for foreign affairs. When a minister for foreign affairs is unable to be present or in other circumstances where it may be desirable, an alternate may be nominated to act for him, who shall, whenever possible, be a member of his government.

b. Each minister shall appoint a deputy to act in his or her name outside meetings held at ministerial level. Decisions taken by the deputies shall have the same force and effects as those taken by the Committee of Ministers sitting at ministerial level.

c. The Council of Europe shall establish close working relations with the conferences of specialised ministers. In appropriate cases the Committee of Ministers may delegate its powers to a conference of specialised ministers.

d. During any period when its representation in the Assembly is suspended, a member shall not be entitled to vote in the Committee of Ministers and may not occupy the Chair.

Article 21

a. The Committee of Ministers shall engage in permanent political dialogue for the purpose of reaching agreed positions on questions of mutual interest and so contributing to cohesion and solidarity between the member states.

b. On the recommendation of the Parliamentary Assembly or on its own initiative, it shall consider any measure intended to reinforce co-operation between the member states in the Organisation's various fields of activity.

c. As appropriate, the conclusions of the Committee may take the form of conventions, agreements or protocols, recommendations to the member states or resolutions. They shall be communicated to members by the Secretary General.

d. Such conventions and agreements shall be binding only upon the states which have given their consent thereto by ratification or other appropriate procedures. The instruments of ratification shall be deposited with the Secretary General of the Council of Europe.

A Council of Europe activity may be restricted to only some of the member states and take the form of a partial agreement. It shall be deemed to have been adopted only by the representatives of the member states who voted in favour of it. In its composition restricted to representatives of member states of a partial agreement, the Committee of Ministers may invite any non-member state to join a partial agreement.

Likewise, the Committee of Ministers may decide to extend an activity under an enlarged agreement to include a state that is not a member of the Council of Europe.

Article 22

The Committee of Ministers shall, subject to the provisions of Articles 18, 29, 30, 32, 33, 34, 35, 38, 40, 41, 42 43, 44, 47.b, 49, relating to the powers of the Parliamentary Assembly, decide with binding effect all matters relating to the internal organisation and arrangements of the Council of Europe. For this purpose the Committee of Ministers shall adopt such financial and administrative regulations as may be necessary.

Article 23

The Committee of Ministers may, after obtaining the assent of the Parliamentary Assembly, establish specialised institutions operating within the framework of the Council of Europe and set up advisory and technical committees or commissions for such specific purposes as it may deem desirable.

Article 24

The Committee of Ministers shall adopt its Rules of Procedure, which shall determine amongst other things:

1. the quorum;
2. the method of appointment and term of office of its President;
3. the procedure for the admission of items to its agenda, including the giving of notice of proposals for resolutions;
4. the notifications required for the nomination of alternates under Article 20;
5. the powers of the Ministers' Deputies;
6. the delegation of authority to conferences of specialised ministers;
7. relations with the Parliamentary Assembly;
8. the membership of the Bureau of the Committee of Ministers;
9. relations with the Chamber of Local and Regional Authorities.

Article 25

At each part-session of the Parliamentary Assembly the Committee of Ministers shall furnish the Assembly with a report on its activity, accompanied by the appropriate documentation. The Chairman-in-Office of the Committee of Ministers shall present this report at a public sitting of the Assembly and shall answer questions

Article 26

a. The following decisions of the Committee of Ministers shall require a vote supported by all its members who cast a vote and by a majority of the Representatives entitled to sit on the Committee:

1. the adoption of recommendations to member states under Article 21.c;
2. the adoption of recommendations for the amendments of Articles 1.b, 12, 21 and 26 of this Statute;

Questions arising under the Rules of Procedure or under the financial and administrative regulations may be decided by a vote supported by a simple majority of the Representatives entitled to sit on the Committee;

The following decisions shall require a vote supported by two-thirds of the members casting a vote and by a majority of the Representatives entitled to sit on the Committee:

1. the adoption of resolutions;
2. the adoption of recommendations for the amendment of articles of this Statute other than those specified in paragraph a.ii above;
3. the adoption of conventions, agreements and protocols and the opening thereof for signature under Article 21.c;
4. decisions concerning the enlarged and partial agreements under Articles 21.e and 21.f.

Article 27

a. Unless the Committee decides otherwise, meetings of the Committee of Ministers shall be held:

*a.* in private; and

*b.* at the seat of the Council.

The Committee shall decide what information shall be published regarding discussions held in private.

The Committee shall meet at ministerial level at least twice a year, if possible during a part-session of the Parliamentary Assembly. It shall also meet whenever it sees fit

*Chapter V - Parliamentary Assembly*

Article 28

The Parliamentary Assembly is the deliberative organ of the Council of Europe. It shall debate any matter relevant to the aim and falling within the competence of the Council of Europe as defined in this Statute, in conventions concluded within the Council of Europe or in resolutions and decisions adopted by the Committee of Ministers. It shall also deliberate on any matter referred to it by the Committee of Ministers for an opinion. It shall present its conclusions to the Committee of Ministers in the form of recommendations and statutory opinions.

The Assembly shall draw up its agenda in accordance with the provisions of paragraph a above.

Article 29

The Parliamentary Assembly may, with due regard to the provisions of Article 49.e,

establish committees to consider and report to it on any matter which falls within its competence under Article 28, to examine and prepare questions on its agenda and to advise on all matters of procedure, and organise hearings and conferences.

Article 30

The Parliamentary Assembly shall establish appropriate working relations and conclude, if necessary, agreements to this effect with national parliaments and interparliamentary assemblies. It may act as a parliamentary forum for other international organisations possessing no parliamentary organ.

Article 31

a. The Parliamentary Assembly shall consist of Representatives of each member, elected by its parliament from among the members thereof, or appointed from among the members of that parliament according to a procedure laid down by it and so as to reflect the various currents of opinion within that parliament. Every Representative must have the nationality of the member which he represents. A Representative may not be a member of the government of the member state, nor a member of the European Court or Commission of Human Rights or of any body set up under a convention.

b. The term of office of Representatives thus appointed shall date from the opening of the first sitting of the Assembly or meeting of the Standing Committee following submission of their credentials; it shall expire at the opening of the next ordinary session or of a later ordinary session. However, following a general election, a member parliament shall make new appointments within six months. Moreover, a parliament may fill vacancies due to death or resignation. The term of office of the new Representatives shall date from the first sitting of the Assembly or the Standing Committee following their appointment.

c. Subject to the foregoing no Representative shall be deprived of his position as such during a session of the Assembly without the agreement of the Assembly.

d. Each Representative may have a Substitute who may, in the absence of the Representative, sit, speak and vote in his place. The provisions of paragraph a above apply to the appointment of Substitutes.

Article 32

The Parliamentary Assembly shall determine the distribution of seats among member states, having regard, inter alia, to their population figures and their gross domestic product. Members shall be entitled to not more than eighteen and not fewer than two Representatives.

Article 33

The Assembly may request the Committee of Ministers by every procedure at its disposal, and particularly by interpellation or oral question with debate, to present its views and/or to give explanations on any question falling within the Council of Europe's competence.

Article 34

The Parliamentary Assembly shall determine the scope and procedure for such investigations as it may deem necessary of matters falling within the Council of Europe's competence.

Article 35

The Parliamentary Assembly has a right of initiative in respect of conventions. The Committee of Ministers shall submit to it all draft conventions, agreements and protocols for approval prior to adoption. If necessary, the Secretary General shall report on the implementation of these treaties to the Assembly which, in the event

of non-compliance, shall address recommendations to governments to the Committee of Ministers for the purpose of remedying this. If the Assembly's recommendations are not accepted, the Committee of Ministers shall give a reasoned reply.

Article 36

In pursuance of its task of ensuring respect for human rights, the Parliamentary Assembly may take, on the basis of the Statute, any action in its power in the event of a flagrant human rights violation and may, if necessary, recommend implementation of the control procedures provided for in the European Convention on Human Rights.

Article 37

The Secretary General shall communicate to the Parliamentary Assembly, at the same time as to the Committee of Ministers, the Organisation's draft budget and draft intergovernmental programme of activities.

Article 38

a. The Parliamentary Assembly shall adopt its Rules of Procedure.

b. The Rules of Procedure of the Assembly shall determine inter alia:

1. the quorum;
2. the manner of the election and terms of office of the President and other members of the Bureau;
3. the manner in which the agenda shall be drawn up and communicated to Representatives;
4. the time and manner in which the names of Representatives and their Substitutes shall be notified;
5. the membership of the Standing Committee which shall be responsible for ensuring continuity of the Assembly's action and acting on its behalf between sessions;
6. arrangements concerning the political groups;
7. the number of its committees and their fields of activity.

Article 39

The following decisions of the Parliamentary Assembly, shall require a two-thirds majority of the votes cast:

1. recommendations and statutory opinions addressed to the Committee of Ministers;
2. establishing committees;
3. determining the date of commencement of its sessions;
4. deciding to hold an extraordinary or part-session elsewhere than at the seat of the Council;
5. determining what majority is required for decisions not covered by i to iv above or determining cases of doubt as to what appropriate majority is required.

Article 40

Other decisions shall be adopted by the majority determined by the Parliamentary Assembly in its Rules of Procedure in application of Article 39.v.

Article 41

The Parliamentary Assembly shall hold each year an ordinary session which may be divided into several parts.

Article 42

The Parliamentary Assembly may hold extraordinary sessions in accordance with Article 39. The Committee of Ministers may propose such a session.

Article 43

Ordinary sessions of the Parliamentary Assembly shall be held at the seat of the Council, unless the Assembly exceptionally decides otherwise, having due regard to the provisions of Articles 39 and 49.

Article 44

Unless the Parliamentary Assembly decides otherwise, its debates shall be conducted in public.

*Chapter VI - Joint Committee*

Article 45

a. The Joint Committee is the structure of concertation and co-ordination between the Committee of Ministers and the Parliamentary Assembly of the Council of Europe. Without prejudice to the competences of each of these two organs, the functions of the Joint Committee should be, in particular:

1. to consider problems which are common to both organs;
2. to draw attention to questions which appear to be of particular interest to the Council of Europe, particularly the political aspects of European co-operation;
3. to make proposals for the draft agenda of the sessions of the Committee of Ministers and the Parliamentary Assembly.

b. The Joint Committee shall be composed of an equal number of members of the Committee of Ministers and Representatives of the Parliamentary Assembly, appointed in accordance with its Rules of Procedure. It may hold meetings in restricted composition to consider a particular question.

c. The Joint Committee shall meet as often as may be necessary. It shall meet at least once a year at ministerial level.

d. The Joint Committee shall be chaired by the President of the Parliamentary Assembly.

e. The Secretary General shall attend meetings of the Joint Committee.

f. The conclusions of the Joint Committee shall be reached without voting.

g. Subject to the above provisions, the Joint Committee may adopt its own Rules of Procedure.

*Chapter VII - Chamber of Local and Regional Authorities*

Article 46

The Chamber of Local and Regional Authorities shall be the representative organ of local and regional authorities. It shall address its recommendations to the Committee of Ministers and to the Parliamentary Assembly, which shall consult it in appropriate cases.

The rules of operation of the Chamber of Local and Regional Authorities shall be laid down in a charter adopted by the Committee of Ministers, after obtaining the assent of the Parliamentary Assembly.

a. The Chamber shall adopt its Rules of Procedure.

*Chapter VIII - Secretariat*

Article 47

a. The Secretariat shall consist of a Secretary General, two Deputy Secretaries General and such other staff as may be required. One of the Deputy Secretaries General shall assist the Secretary General in all his duties except those relating to the Assembly. The other Deputy Secretary General shall be the Clerk of the Assembly; he shall be responsible for organising the Assembly's business and shall be accountable to its President.

b. The Secretary General and the Deputy Secretaries General shall be elected by the Parliamentary Assembly in accordance with special regulations issued by agreement between the Committee of Ministers and the Assembly.

c. The remaining staff of the Secretariat shall be appointed by the Secretary General, in accordance with the administrative regulations.

d. No member of the Secretariat shall hold any salaried office from any government or be a member of the Parliamentary Assembly, of any other international parliamentary institution, of any national legislature or engage in any occupation incompatible with his duties.

e. In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

f. Every member shall respect the exclusively international character of the responsibilities of the Secretary General and the staff of the Secretariat and not seek to influence them in the discharge of their responsibilities.

Article 48

a. The Secretariat shall be located at the seat of the Council.

b. The Secretary General is responsible to the Committee of Ministers for the work of the Secretariat. He reports on his action to the Assembly as necessary and at least once a year.

c. The Secretary General shall provide such secretariat and other assistance as the Parliamentary Assembly requires. The Parliamentary Assembly is served by the Office of the Clerk under the authority of the Clerk.

*Chapter IX - Finance*

Article 49

a. The Committee of Ministers shall adopt the annual budget of the Council of Europe, subject to the opinion of the Parliamentary Assembly.

b. Each member shall bear the expenses of its own representation in the Committee of Ministers, conferences of specialised ministers, the Parliamentary Assembly and the Chamber of Local and Regional Authorities.

c. The expenses of the Secretariat and all other common expenses shall be shared between all members in such proportions and according to such criteria as shall be determined by the Committee, having due regard to the population and total gross domestic product of members. Expenses incurred under partial or enlarged agreements shall be charged exclusively to the states which are parties to the agreement.

The contributions of an associate member shall be determined by the Committee.

d. In accordance with the Financial Regulations, the budget of the Council shall be submitted annually by the Secretary General for adoption by the Committee.

e. The Parliamentary Assembly shall determine the amount of its expenditure, the rate of growth being agreed between the Committee of Ministers and the Assembly.

f. The Secretary General shall also submit to the Committee of Ministers an estimate of the expenditure to which the implementation of each of the recommendations presented to the Committee would give rise. Any resolution, the implementation of which requires additional expenditure shall not be considered as adopted by the Committee of Ministers unless the Committee has also approved the corresponding estimates for such additional expenditure.

Article 50

The Secretary General shall each year notify the government of each member of the amount of its contribution; each member shall pay to the Organisation the amount of its contribution, which shall be deemed to be due on the date of its notification, not later than six months after that date.

*Chapter X _ Privileges and immunities*

Article 51

a. The Council of Europe, Representatives of members and the Secretariat shall enjoy, in the territories of its members, such privileges and immunities as are reasonably necessary for the fulfilment of their functions. These immunities shall include immunity for all Representatives and Substitutes to the Parliamentary Assembly from arrest and all legal proceedings in the territories of all members, in respect of words spoken and votes cast in the debates of the Assembly and its committees or other subordinate bodies.

b. The privileges and immunities shall be as defined by the General Agreement on Privileges and Immunities of the Council of Europe of 2 September 1949 and by the supplementary agreement and additional protocols. Every state which becomes a member shall accede to the agreement, to the supplementary agreement and to the additional protocols. The privileges and immunities enjoyed by the Council at its seat shall be as defined in the special agreement concluded on 2 September 1949 with the government of the French Republic.

*Chapter XI _ Amendments*

Article 52

a. Proposals for the amendment of this Statute may be made in the Committee of Ministers or in the Parliamentary Assembly.

b. The Committee shall, after obtaining the assent of the Parliamentary Assembly, recommend and cause to be embodied in a protocol those amendments which it considers to be desirable.

c. An amending protocol shall come into force when it has been signed and ratified on behalf of two-thirds of the members.

d. Notwithstanding the provisions of the preceding paragraphs of this article, amendments to Articles 5 to 10, 28 to 44, 45, 46, 49 and 50, which have been approved by the Committee and by the Assembly, shall come into force on the date of the certificate of the Secretary General, transmitted to the governments of members, certifying that they have been so approved.

*Chapter XII _ Final provisions*

Article 53

a. This revised Statute, will enter into force after the deposit of the instruments of ratification by two-thirds of the member states with the Secretary General of the Council of Europe. It will replace the Statute which entered into force on 3 August 1949.

b. Any further signatory shall become a party to this revised Statute as provided for in Articles 4 and 5 above.