



Recommendation 1361 (1998)¹

Modification of the procedure for adoption of Council of Europe conventions

Parliamentary Assembly

1. The Statute of the Council of Europe entrusts the Committee of Ministers with the task of concluding conventions and agreements either on its own initiative or on the recommendation of the Assembly. There are no provisions to the effect that draft conventions or agreements shall be submitted to the Assembly for approval prior to adoption.
2. In its [Recommendation 721 \(1973\)](#) on the reference of European draft conventions to the Assembly before they are opened for signature by the Committee of Ministers, the Assembly recommended that the Committee of Ministers should consult it on any legal instruments of the Council of Europe, and in particular on new draft European conventions, before approving them and opening them for signature by member states.
3. In 1993, in its [Recommendation 1212](#) on the adoption of a revised Statute of the Council of Europe, the Assembly, after recalling that it had the right of initiative in matters concerning conventions, recommended that the Committee of Ministers should submit all draft conventions, agreements and protocols to the Assembly for approval prior to adoption.
4. In practice, the Assembly is consulted only on an ad hoc basis, and often has to ask the Committee of Ministers to consult it.
5. The Assembly believes that this situation is prejudicial to the ratification of conventions in the national parliaments, as the latter can only ratify or reject the convention which is submitted to them.
6. The Assembly considers its co-decision in adopting texts of conventions as a fundamental right of a parliamentary body.
7. Prior consultation of the Assembly serves to involve parliamentarians in the drawing up of texts and facilitates subsequent ratification at national level.
8. The Assembly, referring to the Final Declaration of the second summit of the Council of Europe, adopted on 11 October 1997, in which the heads of state and government instruct the Committee of Ministers to carry out the necessary structural reforms, particularly in order to improve its decision-making process, recommends that the Committee of Ministers:
 - 8.1. adopt a statutory resolution to systematically submit all draft conventions, agreements and protocols to the Assembly for opinion, prior to their adoption;
 - 8.2. discuss the draft conventions, agreements and protocols in a joint working group in case of dissension;
 - 8.3. recognise in a statutory resolution the principle of co-decision in adopting conventions, agreements and protocols.

1. See [Doc. 8017](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Schwimmer. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 March 1998.

