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# Report of the Committee of Ministers to the Consultative Assembly

**Statutory report**
to Recommendation 1 (1950)
, to Recommendation 11 (1950), to Recommendation 18 (1950), to Recommendation 20 (1949), to Recommendation 20 (1950), to Recommendation 23 (1949), to Recommendation 24 (1950), to Recommendation 25 (1950), to Recommendation 27 (1950), to Recommendation 28 (1950), to Recommendation 29 (1950), to Recommendation 30 (1950), to Recommendation 39 (1949), to Recommendation 4 (1950), to Recommendation 47 (1950), to Recommendation 48 (1950), to Recommendation 49 (1950), to Recommendation 50 (1950), to Recommendation 5 (1950), to Recommendation 52 (1950), to Recommendation 57 (1950), to Recommendation 6 (1950) and to Recommendation 8 (1950)
Committee of Ministers

**1.**

Luxembourg, 23rd April 1951.

Sir,

I have the honour to transmit herewith, for presentation to the Representatives to the Consultative Assembly, the Report prepared by the Committee of Ministers in conformity with Article 19 of the Statute.

I am, Sir,

Your humble and obedient Servant,

J. BECH

Chairman of the Committee of Ministers.

## 2. Introduction

1. In accordance with the provisions of Article 19 of the Statute of the Council of Europe, the Committee of Ministers has the honour to forward the present Report to the Consultative Assembly on the occasion of its third Ordinary Session.

2. This Report covers the period from the opening of the second Ordinary Session of the Consultative Assembly (August 1950) up to the 20th April, 1951. A supplementary report covering the period between that date and the opening of the third Ordinary Session of the Consultative Assembly will be presented to the Assembly after the Session of the Committee of Ministers which begins on 2nd May, 1951.

3. The first section of the Report deals with that aspect of the general policy of the Council of Europe which is expressed in the Recommendations of the Consultative Assembly relating to the creation of Specialised Authorities. The second section deals with problems relating to the revision of the Statute and the general functioning of the Council. The third section deals with relations between the Council of Europe on the

one hand and international Organisations and non-member States on the other hand. The fourth section relates to certain questions of external policy. The fifth section is devoted to the progress achieved in the realisation of the aims of the Council. A final section deals with internal and administrative questions.

## 3. SECTION I - General Policy of the Council of Europe

### *3.1. Specialised Authorities*

4. During the first part of its Second Session in August 1950 the Consultative Assembly decided to work towards the achievement of that closer unity between Member States which is referred to in the Statute by means of the creation within the framework of the Council of Europe of Specialised Authorities with specific functions in the political, economic, social, cultural and legal fields. To this end it adopted on 28th August 1950 two Recommendations to the Committee of Ministers, Recommendation 1 (Doc. 121, 1950) relating to the creation of Specialised Authorities and Recommendation 4 (Doc. 123, 1950) relating to the adoption of a Protocol to the Statute to permit the implementation of agreements of limited application; a third Recommendation, on the principles which should govern the creation of Specialised Authorities, was adopted by the Assembly at its session in November (Recommendation 52, Doc. 154, 1950).

5. At its sixth session in Rome, in November 1950, the Committee of Ministers considered these Recommendations, together with other Recommendations relating to the revision of the Statute and the general functioning of the Council of Europe, and expressed its agreement in principle with Recommendations 1 and 4. It appointed a committee of Senior Officials to examine the whole question raised by the Recommendations of the Assembly of a constitutional character, including the way in which Recommendations 1 and 4 should be implemented. Further reference to the work of this committee will be made in Section II of this Report. Agreement in principle on the general policy as to Specialised Authorities has, however, been reached between the two organs of the Council.

6. The Committee of Ministers in particular has examined the problem of bringing into relationships with the Council of Europe Specialised Authorities set up outside the Council of Europe, but whose activities are within the aim and scope of the Council. The manner in which this should be done is still under consideration by the Committee of Ministers.

## 4. SECTION II - Revision of the Statute and the General Functioning of the Council of Europe

7. At its sixth session in November 1950, the Committee of Ministers adopted the following Resolution : " Th e Committee of Ministers examined the Recommendations of the Assembly relating to modifications of the Statute and the general functioning of the Council of Europe. " Th e Committee recognised that the above Recommendations should be more carefully studied. To this end it invited the Governments to appoint senior officials with the necessary qualifications to meet together to examine the whole question. In the meantine, there was general agreement with the principles contained in the Assembly's Recommendations Nos. 1 and 4 (Docs. 121 and 123, 1950). " Th e Committee of Experts should complete its task before 1st March, 1951. It will report to the Committee of Ministers, who will then consult the competent authorities of the Assembly as to the best method to adopt ".

8. The Committee of Experts thus appointed held sessions in December 1950 and in January and February 1951, during the course of which it examined all the Recommendations and proposals of the Assembly relating to the revision of the Statute and the general functioning of the Council of Europe, together with certain other proposals made by the Governments and the Secretary-General. In the interval between the second and third Sessions of the Committee a special Sub-Committee held a meeting with representatives of the Consultative Assembly under the Chairmanship of M. F. de Menthon on 10th February, 1951. The views expressed on this occasion by the representatives of the Assembly and the further explanations which they gave on the various Recommendations under consideration were of great value to the expert Committee and were carefully borne in mind in the course of its subsequent discussions.

9. In order to ensure the fullest possible co-operation between the two organs of the Council of Europe on so important a task as the revision of the Statute, the Committee of Experts decided, with the full approval of the Governments, to transmit its report to the President of the Consultative Assembly at the same time that it was submitted to the Governments, in order that the views of the Assembly might be obtained.

10. The Committee on General Affairs at its meeting in Paris in March formulated its comments on the Report of the Committee of Experts in a Report of 14th March. This report was considered by the Committee of Ministers at its Seventh Session on March 16th ans 17th, at the same time as the Report of the Committee

of Experts. After discussing the two Reports the Committee of Ministers decided, in an effort to find solutions that would be acceptable both to the Committee of Ministers and to the Assembly, that it would be useful to hold a discussion on the whole question of the revision of the Statute in the Joint Committee. For this purpose the President of the Assembly agreed to convoke a meeting of the Joint Committee on 16th April 1951.

## 5. SECTION III - Relations with International Organisations and non-member States

### *5.1. Chapter 1. — Relations with International Organisations*

11. The Committee of Ministers at its Seventh Session in March, 1951 laid down the general principles on which relations should be established between the Council of Europe and other international Organisations by the conclusion of formal agreements.

12. The object of such agreements would be, as proposed by the Assembly in November 1950 in Recommendation 55 (Doc. 156, 1950), to make available to the Council of Europe the knowledge and experience of other international Organisations, to avoid duplication of work, to inform the Consultative Assembly of the activities of the other Organisations and to utilize the consultative function of the Assembly to a greater extent than has hitherto been the case. The Secretary-General has, moreover, been instructed to open negotiations with the principal international Organisations concerned. The present state of relations with these international Organisations may be summarised as follows :

#### *5.1.1. The United Nations.*

13. Certain informal contacts have already taken place with the United Nations, and information has been exchanged with that organisation on a variety of topics of mutual interest. An informal approach has been made to the Council for the conclusion of an agreement defining the relationship between the two Organisations, and the Committee of Ministers has authorised the Secretary-General to work out a draft for this purpose.

#### *5.1.2. The Organisation for European Economic Co-operation.*

14. The Council of Europe and the Organisation for European Economic Cooperation have each appointed a special Liaison Committee to examine the question of relations between the two Organisations and any other problems of common interest. The 0. E. E. C. Liaison Committee consists of representatives of Italy, Sweden and Switzerland. The Council of Europe Committee consists of representatives of France, the United Kingdom and Turkey, with a representative of the Bureau of the Consultative Assembly. M. Menemencioglu, the Turkish Ambassador in Paris, was appointed Chairman of the Council of Europe Committee, and Lord Layton nominated as the representative of the Bureau of the Assembly. The two committees have held meetings each month from January to April, 1951, and have agreed on an arrangement for co-operation between the two Organisations, taking into account Recommendation 17 (Doc. 112, 1950) adopted by the Assembly in August, 1950. This arrangement is set out in Appendix 1. It has been approved both by the Council of the O. E. E. C. and the Committee of Ministers of the Council of Europe. It includes a provision that a report on the work of the O. E. E. C. should be submitted to the Council on the occasion of each Session of the Consultative Assembly, and the first of such reports will be presented to the Assembly at its third Session. As regards the Recommendation 18 (Doc. 74, 1950, Section I, paragraph 1 (ii) 1950) adopted by the Assembly in August 1950 and relating to the creation of a single « Council » for O. E. E. C. and the Council of Europe, the O. E. E. C. Committee has reported the receipt of a memorandum from the Swedish Government of 5th January, 1951 containing proposals on somewhat similar lines. This proposal has been referred for examination by the Council of O. E. E. C; and it was felt premature to examine what is substantially the same question in the two Liaison Committees until the Member Governments of 0. E. E. C. have made known their views in the douncil of that Organisation.

#### *5.1.3. Brussels Treaty Organisation.*

15. At its Seventh Session in March 1951 the Committee of Ministers decided to refer to the five signatory Powers of the Brussels Treaty of 17th March, 1948 Recommendation 19 (Doc. 74Section I, paragraph 1 (i), 1950) relating to the transfer to the Council of Europe of the social and cultural activities of the Brussels Treaty Organisation. The Committee was informed at the same time that the five Powers were already studying this question in advance of any decision by the Committee of Ministers.

*5.1.4. International Labour Organisation.*

16. The Committee of Ministers at its Seventh Session authorised the Secretary-General to enter into negotiations for a formal agreement between the Council of Europe and the International Labour Organisation. These negotiations are already in an advanced state. Practical co-operation with the I. L. 0. has already been to a large extent achieved and will be of particular importance to the social programme of the Council of Europe. It is expected that the I. L. 0. will agree in the near future to convoke, in co-operation with the Council of Europe, a conference for the preparation of a European Code of Social Security, as proposed by the Assembly in Recommendation 28 (Doc. 99, 1950) adopted in August 1950, in addition, the I. L. 0. is already co-operating in the work of the Committee on Social Questions of the Consultative Assembly and of the Committee of Social Experts convened by the Committee of Ministers.

*5.1.5. United Nations Educational, Scientific and Cultural Organisation.*

17. The Committee of Ministers at its Seventh Session authorised the Secretary-General to initiate negotiations with U. N. E. S. C. 0. for an agreement between the two Organisations. The first contacts have been made, and a memorandum containing proposals for an agreement is under discussion. The assistance of this Organisation will, of course, be very useful for the cultural programme of the Council of Europe.

*5.1.6. Non- Governmental Organisations.*

18. Certain preliminary contacts have already been made and should result in making available to the Council the expert knowledge and assistance of certain non-governmental Organisations such as the International Chamber of Commerce and the International Confederation of Free Trade Unions. The second of these Organisations has already made an informal approach to the Council of Europe.

***5.2. Chapter 2. — Relations with Non-Member. States***

*5.2.1. Liaison with Overseas Territories or Countries.*

19. The Committee of Ministers at its Seventh Session gave its approval to Rec. 50 (Doc. 125, 1950) relating to liaison between the Council of Europe and Overseas Territories or Countries and decided to transmit the Recommendation to the Governments of the Member States concerned, while at the same time informing the Consultative Assembly that certain measures relating to that Recommendation had already been taken by Governments.

20. The Netherlands Government, in particular, had already drawn the attention of the Government of Indonesia to the Recommendation in question.

21. The Government of the United Kingdom had expressed its agreement to the principle of consultation with the countries of the British Commonwealth and to the proposal that the latter should send observers to the Sessions of the Consultative Assembly. Indeed, it had already informed the Commonwealth Governments that, while the question of sending observers was for them to decide, the United Kingdom would welcome their presence at Strasbourg.

*5.2.2. Liaison with the Countries of North America.*

22. The Committee of Ministers at its Seventh Session took note of Recommendation 20 (Doc. 74(i, 1950, Section 1, para. 1 (iii), adopted by the Assembly in August 1950 and affirmed its desire to establish close liaison between existing European Organisations and the countries of North America. The Committee suggested that the Consultative Assembly should study the ways in which such liaison should be established and give the Committee of Ministers the benefit of its advice on this question. At the same time the Committee recommended that the Member Governments should submit concrete proposals on this subject.

## 6. SECTION IV - Questions of External Policy

### *6.1. Chapter 1. — Declaration on Peace*

23. At its Sixth Session in Rome in November 1950, the Committee of Ministers suggested that the Consultative Assembly should adopt a declaration on peace and proposed a text which is set out in Appendix 2. The Committee of Ministers has taken note of Resolution 22 (Doc. 158, 1950) on this subject adopted by the Assembly on 23rd November, 1950.

### *6.2. Chapter 2. — Turkish Minority in Bulgaria*

24. At. its Sixth Session the attention of the Committee of Ministers was drawn to the problem raised by the proposed expulsion by the Bulgarian Government of the Turkish minority in Bulgaria. The Committee of Ministers adopted the following Résolution : " Th e Committee of Ministers of the Council of Europe, having heard the Turkish Minister for Foreign Affairs on the subject of the notes exchanged between the Turkish and Bulgarian Governments; Leaving aside any consideration of legal aspects which does not come within its competence; Considering that whatever the contractual arrangements which gave rise to the dispute between the two countries, which dispute would in its opinion be most equitably solved by a mutual agreement or, if necessary, by arbitration; Makes solemn protest against the claims of Bulgaria requiring the transfer of 250.000 human beings to Turkish territory within a period of three months; particularly since this case illustrates a policy likewise practised by other Governments which, quite apart from its tragic human consequences, makes for instability in the economic life of the free countries of Europe; Considers that, in the interests of these populations, no action should be taken by Bulgaria to deport these persons from their homes, and that no steps should be taken to dispose of their property until an equitable agreement on this emigration has been concluded between the two countries." Subsequently the Committee of Ministers was informed by the Turkish representative that the negotiations on this problem had taken a more favourable turn.

## 7. SECTION V - Steps taken towards the Achievement of the Aims of the Council of Europe

### *7.1. Chapter 1. —Admission of the German Federal Republic as a Member of the Council under Article 4 of the Statute*

25. The Committee of Ministers at its Seventh Session considered a request from the Chancellor of the German Federal Republic that, in view of the revision of the Occupation Statute, his country should be admitted as a full Member of the Council of Europe. The Committee expressed its agreement in principle with this request but, before taking any final decision, decided to request the opinion of the Standing Committee of the Consultative Assembly. At its meeting in Strasbourg on April 7th the Standing Committee declared itself unanimously in favour of the admission of the German Federal Republic as a full Member. This opinion has been conveyed to the Committee of Ministers, which will thus be in a position to take a decision at its Eighth Session in May.

### *7.2. Chapter 2. — Economic Questions*

#### *7.2.1. European Authority for Coal and Steel.*

26. The first Specialised Authority came into existence on April 18th 1951 by the signature of the Treaty for a European Coal and Steel, Community, concluded between the Governments of Belgium, France, the German Federal Republic, Italy, Luxembourg and the Netherlands.

27. The desire of the Consultative Assembly that close liaison should be established between this Organisation and the Council of Europe (Recommendation 6, Document 132, 1950) has been communicated to the signatory Governments, which have decided to define in a Protocol to the Treaty signed on the same day the way in which this liaison should be established (See Appendix 3).

#### *7.2.2. Agricultural Policy.*

28. Recommendation 8 (Document 110, 1950) adopted by the Assembly in August 1950 contained a proposal for the creation of an European Authority for the systematization of the marketing of agricultural products. In November 1950, the Assembly adopted Recommendation 52 (Doc. 154, 1950) and appointed a

sub-committee of seven members to present to the next Session of the Assembly a draft Convention for the creation of a Specialized Authority for Agriculture. These Recommendations were placed on the Agenda of the Committee of Ministers at its Eighth Session.

29. In the meantime, the Secretary-General was requested by the French Government on March 24th 1951 to transmit on its behalf to all Member Governments of the Council of Europe and to the Governments of Austria, Portugal and Switzerland an invitation to participate in a conference to discuss the creation of an Organisation for the marketing of the principal agricultural products and a note setting out the essential principles of this idea. This invitation and copies of the note were transmitted to the Governments on March 29th.

*7.2.3. Transport.*

30. In view of the fact that in November, 1950 the Assembly decided in Recommendation 52 (Doc. 154, 1950) to set up a special committee of seven members to draft a Convention for the creation of a European Specialised Authority for Transport, the Committee of Ministers has taken no action as yet on Recommendation 7 (Doc. 108, 1950) relating to the co-ordination of European communications and adopted by the Assembly in August 1950. As this Special Committee has been at work during the interval between the Second and Third Sessions of the Assembly, the Committee of Ministers considered it advisable to await the outcome of its work before taking any decision on this question.

*7.2.4. Full Employment.*

31. At its Sixth Session in November 1950, the Committee of Ministers considered Recommendation 25 (Doc. 103, 1950) relating to full employment, which had been adopted by the Assembly in August 1950 and subsequently selected by the Bureau of the Assembly as being of a priority nature. The Committee of Ministers adopted the following resolution : " Th e Committee of Ministers welcomes the Assembly's Recommendation on full employment and decides to invite the Governments of Member States to provide the Secretariat-General, as far as they are able, and before 1st February 1951, with the information requested under paragraphs 5 and 7 of the Recommendation. The Secretary- General is instructed to undertake a study of the material he receives and to make a compilation of it in consultation with the other international Organisations dealing with the problem, in particular with the 0. E. E. C. "

32. The Secretary-General then transmitted to all Member Governments the request to furnish the information referred to in paragraphs 5 and 7 of the Recommendation. The greater part of this material has been received. Some of the replies being still ousttanding, the Secretariat-General has sent reminders to the Governments concerned and hopes to receive them shortly. In the meantime, however, it has organised a Study Group with representatives of various other Organisations interested in this problem, and this Group has completed a report containing specific proposals for the maintenance of a high level of employment in Europe which will be submitted to the Assembly at its Third Session.

*7.2.5. European Patents Office.*

33. At its Third Session in November 1949, the Committee of Ministers considered the Recommendation made by the Consultative Assembly at its First Session for the creation of a European Patents Office. The Secretary-General was instructed to collect all relevant material on this subject and to prepare a report on the best method of handling it, in consultation with the expert services of Member Governments. Accordingly he transmitted to all the Governments the draft prepared by the Assembly and requested their detailed comments. These comments were received and circulated, and, in accordance with a decision of the Committee of Ministers at its Sixth Session, a Committee of Patents Experts was convened in January 1950. This Committee, while fully agreeing with the aims expressed by the Assembly's Recommendation, felt that other means might more appropriately be employed in the achievement of those aims. The proposed Convention for the creation of a European Patents Office should itself lay down the basic principles by which the European Office would be guided when called upon to express its opinion as to the originality of an invention. Further, uniformity in the procedure and formalities in force in the different countries should be effected prior to the establishment of a European Office. In the opinion of the Committee this office should be integrated with the International Patents Institute at The Hague, set up by the Convention signed in 1947 between France and the Benelux countries.

34. Taking as its basis these decisions on matters of principle, a Working Party of the Committee of Experts met in Paris from the 12th to the 17th March 1951 and discussed the various problems to which they gave rise. It brought to a successful conclusion the first task allotted to it by the Committee of Experts, that of

unifying the procedure and formalities in the Member Countries of the Council of Europe as regards the application for and granting of patents. A form of application for a patent was drawn up to serve as a model. At the meeting which it is planned to hold at The Hague on 2nd July, a study will be made of the problem of the creation of a European Patents Office and of its integration with the International Patents Institute.

35. Following an exchange of views in the Committee, Switzerland was invited to take part in its work. A representative of the Federal Government has been present at the meetings of the Committee of Experts since the Working Party met in Paris on 12th March. The International Bureau at Berne for the Protection of Industrial Property has also sent a representative to the meeting of the Committee of Experts and of its Working-Party.

*7.2.6. European Convention for the Control of International Cartels.*

36. As a result of the Recommendation adopted by the Consultative Assembly at its First Session in 1949, the Committee of Ministers, after consulting O. E. E. C, decided at its Third Session to establish contact with the Interim Commission of the International Trade Organisation with a view to undertaking a study of this problem in its European context. The Secretariat-General accordingly made this approach, and an informal study group was constituted with the Interim Commission of the I. T. 0. and representatives of other interested Organisations. The preliminary conclusions of this group were reported to the Consultative Assembly at its Second Session in 1950. Since that date the work of the Secretariat-General has been completed by preparing a report and preliminary draft Convention wich were submitted to all Member Governments at the beginning of March, 1951.

*7.2.7. North Sea Fisheries.*

37. The Committee of Ministers considered at its Seventh Session Recommendation No. 27 (Doe. Ill 1950) adopted by the Assembly in August 1950. The Committee was informed that the Convention for the Prevention of Abuses in the Fishing Areas in the North Sea signed in London in 1946 hat not entered into force owing to the absence of ratifications from the Belgian, Icelandic and Spanish Governments. The United Kingdom Government, with which the Convention is deposited, is taking all possible action with the Governments concerned in order to secure the entry into force of the Convention at the earliest possible date.

*7.2.8. European Companies.*

38. The Committee of Ministers has not yet taken any action on Recommendation 26 (Doc. 106, 1950) relating to European Companies, in view of the fact that this question is still under consideration by the Committee on Economic Questions. It has noted, however, that the legal aspects of the question are to be studied in the near future by the Institute for the Unification of Private Law in Rome.

***7.3. Chapter 3. — Social Questions***

39. The Committee of Social Experts held its second session at Strasbourg in November 1950. The Committee continued the work begun at its first session of studying the problems involved in the extension to all Member States of the Council of Europe of the multilateral convention on social security concluded between the Brussels Treaty Powers, as proposed by the Assembly at its First Session; also the work relating to other measures for the extension to nationals of all Member States of social security benefits under national legislation. (See the first report of the Committee of Experts on Social Security of 16th June 1950 transmitted to the Assembly at its Second Session.)

40. The second report of the Committee of Experts on Social Security of 24th November 1950 was considered and approved by the Committee of Ministers at its Seventh Session in March 1951 and is transmitted to the Consultative Assembly for its information. (See Appendix 4.) Thus the following decisions were taken :

*7.3.1. European Code of Social Security.*

41. The Committee of Ministers at its Sixth Session had already considered Recommendation 28 (Doc. 99, 1950) for the creation of a European Code of Social Security, which had been selected by the Bureau as a priority recommendation. The Committee approved this Recommendation in principle and instructed the Committee of Social Experts to examine what methods should be employed to deal with the problem raised by the Assembly, taking into account that the International Labour Conference, which is to meet in June 1951, will consider the same question on a world-wide basis.

42. The Recommendation of the experts, which was approved by the Committee of Ministers, was that the proposed conference for the preparation of a European Code of Social Security should be convened in co-operation with the International Labour Organisation and that in the meantime the Member Governments of the Council of Europe should be requested to transmit to the Secretariat-General copies of the replies they had sent to the questionnaire addressed to them by the I. L. 0. concerning minimum standards of social security. The Committee of Ministers further instructed the Secretary-General to invite the I. L. 0. to undertake a comparative study of the cost of social security in the Member States of the Council of Europe.

43. The Committee of Experts on Social Security will be holding a further meeting on May 2nd 1951 to examine the material which will then be available, including the report compiled by the I. L. 0. on the basis of the replies of the Governments to the questionnaire on social security and the study of the comparative costs of social security services. The International Labour Conference, which, as stated, is to meet in June 1951 will discuss the preparation of an International Convention on Social Security on a world-wide basis. After the results of this conference are available, the Committee of Experts will meet again to reach decisions on the principles to be incorporated in a European Convention and to set a date for the convocation of a European conference on this subject.

*7.3.2. Extension of Social Security Arrangements concluded between the Brussels Treaty Powers to Nationals of other Member States.*

44. In accordance with the principle laid down in Recommendation 29 (Doc. 100, 1950), the Committee of Ministers instructed the Secretary- General to draw up for the benefit of the Committee of Experts on Social Security a progress report at regular intervals with regard to bilateral negotiations—and requested the Governments to furnish the Secretariat with all relevant information.

45. The Committee of Ministers requested the Committee of Experts to pursue, with the co-operation of the I. L. 0. and the Secretariat-General, the work of drafting provisional multilateral agreements relating to :

45.1. The equality of nationals of all Member States in respect of legislation on social security.

45.2. The extension to nationals of all Member States of bilateral and multilateral Conventions concerning social security concluded between any Member States.

*7.3.3. Exchange of Information on Social Security between Member States.*

46. The Committee of Ministers instructed the Secretary-General to arrange for the exchange of information with regard to Social Security between Member States in accordance with the recommendations of the Committee of Experts. It also recommended that the Governments should inform the Secretary-General with which Ministry he should correspond in order to obtain information with regard to Social Security, it being understood that copies of all correspondence would be sent to the respective Ministries of Foreign Affairs.

47. The Secretariat-General has been informed of the negotiation or conclusion during the year of the following bilateral agreements :

47.1. General Convention on Social Security concluded between France and the German Federal Republic (Paris, 10th July, 1950).

47.2. General Convention on Social Security concluded between France and the Netherlands (The Hague, 1st January, 1950).

47.3. General Convention on Social Security concluded between the Grand Duchy of Luxembourg and the Netherlands (Luxembourg, 8th July, 1950).

47.4. General Convention on Social Security concluded between France and the Saar. Supplementary Agreements Nos : 1 — 4, Final Minutes relating to the entry into force of this Convention, and two administrative arrangements of 27th July, 1950.

47.5. Agreement providing for reciprocity in matters relating to the payment of compensation or benefit in respect of industrial injuries (including occupational diseases) between the Government of the United Kingdom and the Danish Government (1950).

47.6. Administrative Agreement relating to the means of implementation of the Italian/Belgian Convention on Social Security of 30th April, 1948 (Rome, 20th October, 1950).

47.7. Administrative Regulation relating to the means of applying to miners the terms of the General Convention on Social Insurance concluded between Italy and France on 31st March, 1948 (Notiziario dell'Emigrazione, No. 10, 1950).

47.8. Codicil to the General Convention concluded between Italy and France governing the reciprocal application to nationals of both countries of the Italian and French laws relating to social security (Paris, 28th December 1950).

47.9. Protocol relating to the position of wage-earners and similar workers who have been employed in France, Italy and the Saar (19th January, 1950).

It should be noted that negotiations were opened in December 1950 between the United Kingdom and the German Federal Republic with a view to the conclusion of a reciprocity agreement, and that the following multilateral conventions have been ratified or concluded : two multilateral conventions signed by the Brussels Treaty Powers have been ratified by the United Kingdom, and a Tripartite Convention on Social Security was concluded between Belgium, France and Italy in Paris on 19th January, 1951 ; it is scheduled to enter into force on 1st July, 1951.

*7.3.4. General Convention on Poor Law Administration and Health Services (Extension of the Convention concluded by the Brussels Treaty Powers).*

48. The Committee of Ministers instructed the Secretary-General, in agreement with the Chairman of the Committee of Social Experts, to convoke a Sub-Committee of Experts on social and medical assistance.

### *7.4. Chapitre 4. — Réfugiés*

49. At its Sixth Session, the Committee of Ministers considered Recommendation N° 30 (Doc. 109, 1950) relating to the Refugees problem and adopted by the Assembly in August | 1950. The Committee recognised the need I for the Council of Europe to take immediate cognizance of this problem and to consider what steps were necessary to deal with it. The Committee invited the Governments concerned to supply the fullest possible information on the scope of the problem as it affected their own territory, including its relation with the connected problems of population and emigration. The Committee agreed that the Secretary- j General might recruit the necessary additional staff to enable him to analyse the results of this enquiry and to advise the Committee as to what further action was necessary, including the financial implications.

### *7.5. Chapter 5. — Cultural Questions*

50. At its Sixth Session in November, 1950 the Committee of Ministers approved the report drawn up by the Committee of Cultural Experts in June, 1950 on the eight-point plan of European cultural co-operation adumbrated by the Consultative Assembly in 1949. This report was transmitted to the Consultative Assembly during the second part of its Second Session. At the same time the Committee of j Ministers gave its approval to a number of pro- i posais presented by the experts themselves j relating to the need for a more practical ; form of collaboration with U. N. E. S. C. O., j the issue of a European cultural identity card, I the extension to the Council of Europe of the j benefit of the work done by the Permanent j Commission of the Brussels Treaty Powers and by the Scandinavian Cultural Alliance, and the holding of a short course on European studies at the University of Strasbourg in May, 1951 with the moral and financial support of the Council of Europe.

51. A second meeting of the Committee of Cultural Experts was held from the 13th to 15th February, 1951. The object of this meeting was to consider the relevant Recommendations adopted by the Assembly in 1950 and the action taken by the Secretariat-General in the implementation of the Committee's previous report. The conclusions reached by the experts at this meeting indicate the progress made with regard to the problems mentioned in the preceding paragraph; they also indicate the action which the Committee of Ministers might take in response to the cultural Recommendations adopted by the Assembly in 1950. This report is on the Agenda of the Eighth Session of the Committee of Ministers.

52. The University of Strasbourg has now made the necessary preparations to hold during the Third Session of the Assembly a short course on " Population Problems in Contemporary Europe ". The course will be attended by thirty-six students representing all Member States of the Council. The teaching staff will be as international in composition as possible, and lectures will be given in both French and Englisch.

### *7.6. Chapter 6. — Convention for the Protection of Human Rights and Fundamental Freedoms*

53. At its Sixth Session in November 1950 the Committee of Ministers.considered Recommendation 24 (Docs. 93 and 104, 1950) in which the Assembly had. given its opinion on the Draft Convention approved by the Committee of Ministers at its Fifth Session in August 1950.

54. The Committee of Ministers accepted with minor drafting changes the Preamble to the Convention proposed by the Consultative Assembly. In regard to the three texts relating to the Right to own Property, the Right of Education and Political Rights, the Committee, while agreeing to the principle of including these three rights in the Convention, considered that the texts proposed by the Assembly required careful study by the representatives of the Governments which would be responsible for their implementation. In order not to delay the signature of the Convention while this study was undertaken the Committee decided to sign the Convention without the inclusion of these three rights and at the same time agreed to convene a meeting of governmental experts for the purpose of preparing a Protocol to the Convention incorporating the three rights in question.

55. The Committee accepted the proposal of the Assembly relating to the number of declarations accepting as obligatory the jurisdiction of the Court of Human Rights which would be necessary before the Court could be created, but did not feel able to accept the other proposed amendments relating to the right of individual petition and the extension of the Convention to colonial territories. With regard to the last proposal the Committee was compelled to note that the acceptance of the Assembly's amendments would have greatly delayed the ratification of the Convention by certain Member States which, for constitutional reasons, could not accept the commitments set out in the Convention on behalf of the overseas territories for whose international relations they are responsible without first consulting the legislative bodies of those territories.

56. The Convention in its final form was signed in Rome on 4th November 1950 on behalf of all Member Governments except Greece and Sweden; it was subsequently signed on behalf of the Greek and Swedish Governments in Paris on 28th November 1950.

57. The Committee of governmental experts entrusted with the task of preparing a Protocol to the Convention embodying the rights in respect of property, education and political liberty has held three meetings in January, February and April 1951. The final text of this Protocol will be considered by the Committee of Ministers at its Eighth Session in May.

### *7.7. Chapter 7. — Legal and Administrative Questions*

#### *7.7.1. Multilateral Convention on the Reciprocal Treatment of Nationals.*

58. The Committee of Ministers at its Sixth Session took note of the opinion expressed by the Assembly in Recommendation 47 (Doc. 105, 1950) in August, 1950 in reply to the request made by the Committee. The Committee instructed the Secretariat-General to undertake the study requested by the Assembly and to seek the assistance of a group of official experts in drawing up a list of the legal questions arising out of Recommendation 47 for submission to the International Institute of Private Law in Rome. The Committee of Ministers is awaiting the result of the continuing study of this question by a Working Party appointed by the Committee on Legal and Administrative Questions of the Consultative Assembly, which held a joint meeting with the Institute in Rome in March 1951, in order to prepare a preliminary draft which could be sent to the governmental experts for study.

#### *7.7.2. System of Agreements on Civil Procedure.*

59. As the result of a proposal made during the Fifth Session of the Committee of Ministers in August 1950 that the Council of Europe should consider the desirability of establishing a system of agreements between Member States relating to civil procedure, the Committee of Ministers instructed the Secretary-General to approach the Conference on Private International Law at The Hague and the International Institute for the Unification of Private Law at Rome with a view to inaugurating such a study and bringing about the participation in the Hague Conference of Member States which have not hitherto participated. These contacts have been established, and this study is in progress. The Rome Institute will make a report on the subject in September, and the Hague Conference will meet in October and November, 1951.

#### *7.7.3. European Passport.*

60. As a result of the Recommendation of the Consultative Assembly in September 1949, the Committee of Ministers at its Second Session in November 1949 instructed the Secretary- General to obtain the views of Member Governments on this proposal. These views were obtained and circulated to the Governments on 5th October 1950. During the second part of the Second Session of the Assembly in November 1950 a further Motion was submitted on this subject and referred by the Standing Committee to the Committee on Legal and Administrative Questions. On 12th December 1950 the Secretary-General proposed that a meeting of governmental experts should be convened to take a decision on this subject.

*7.7.4. Relief from Double Taxation.*

61. At its Sixth S ession in November 1950 the Committee of Ministers took note of Recommendation 48 (Doc. 114, 1950) in which the Assembly in August 1950 gave its opinion, as requested by the Committee of Ministers, on the question of relief from double taxation. The Committee instructed the Secretary-General to study this question by obtaining from the Governments information as to bilateral agreements already concluded for this purpose and by obtaining the views of other Organisations already examining this problem. The relevant information has been requested of the Governments but has not yet been received in its entirety.

*7.7.5. Peaceful Settlement of Disputes.*

62. Recommendation 56 (Doc. 159, 1950) of the Consultative Assembly, adopted in November, 1950, is included in the Agenda of the Eighth Session of the Committee of Ministers.

### *7.8. Chapter 8. — Public Information*

63. At its Sixth Session in November 1950 the Committee of Ministers considered Recommendation 49 (Doc. 130, 1950) of the Consultative Assembly relating to the development of the public information work of the Council. The Committee instructed the Secretary-General to prepare a plan of action to give effect to the Recommendation of the Assembly, together with the necessary budgetary estimates. The Secretary-General's proposals were submitted to the Governments in December, 1950.

64. When the Budget for 1951 was approved by the Ministers' Representatives in January, 1951 they agreed to unblock 25 % of the credit of 18.000.000 francs proposed by the Secretary-General for information services, pending a decision on the programme as a whole by the Committee of Ministers.

65. At its Seventh Session the Committee of Ministers approved the broad lines of the plan submitted by the Secretary-General and, with a view to ensuring the closest co-operation between the information services of Governments and those of the Secretariat-General, it decided to convoke a conference at Strasbourg in April, 1951 of representatives of the national information services. The task of this conference would be to draw up a long-term plan of co-operation between the national information services and the Council of Europe and give its opinion on all technical questions relating to the information work of the Council. At the same time, the Committee of Ministers authorised the Secretary-General to make use oE a further 25 % of the credit for information work included in the 1951 Budget.

66. The Committee of Ministers also instructed the Secretary-General to approach the national broadcasting organisations and ascertain the possibility of their complying with the Assembly's proposal relating to European broadcasts contained in Recommendation 58 (Doc. 161, 1950) of November 1950. The Seeretary-General has been informed that Radiodiffusion Française will allot time for a weekly broadcast on the Chaîne Nationale by the Council of Europe. The Italian Radio feels unable to agree to a weekly broadcast but will view with favour a special transmission of a quarter of an hour each month dealing with the most important aspects of the work of the Council during the period. A favourable reply has been received from Radio Luxembourg.

67. The Committee of Ministers postponed until its Eighth Session consideration of Recommendation 57 (Doc. 160, 1950) of November, 1950 relating to a common definition for European television.

68. In addition the Committee of Ministers requested the Secretary-General to prepare for the Consultative Assembly a documentary report illustrating the information work of the Secretariat-General.

### *7.9. Chapter 9 — European Youth Conference*

69. At its Seventh Session in March 1951 the Committee of Ministers approved the proposal made by the Assembly in Resolution 17 (Doc. 131, 1950) adopted in August 1950, that a European Youth Conference should be held at Strasbourg in the course of the summer of 1951. The Committee decided to contribute 2.000.000 francs towards the expenses of this conference; this is the amount requested, during the course of conversations with the Secretary-General by the Youth organisations which are arranging the conference. The Secretary-General is informed that arrangements are going ahead for the Conference to be held in June 1951.

### *7.10. Chapter 10. — Proposal for a European Army*

70. The Committee of Ministers at its Sixth Session considered Recommendation 5 (Doc. 52,1950) adopted by the Consultative Assembly on 11th August 1950 and relating to the creation of a European Army. The Committee of Ministers adopted the following Resolution : "The Committee of Ministers, having taken note of the Recommendation of the Consultative Assembly relating to the creation of a European Army. Bearing in mind that decisions on matters of national defence do not fall within the scope of the Council of Europe. Notes the evolution of events and the various initiatives which have since then heen taken, And expresses the hope that the problem of the defence of free Europe may be satisfactorily dealt with in the near future by decisions of the Governments and the competent international Organisations."

## 8. SECTION VI - Internal and Administrative Questions

### *8.1. Chapter 1. — Joint Committee*

71. The Joint Committee has held two meetings during the period under review, the first in Rome in November 1950 immediately before the Sixth Session of the Committee of Ministers and the second in Paris in April 1951. The first of these meetings was devoted principally to an explanation by the representatives of the Consultative Assembly of the importance attached by the Assembly to the Recommendations to the Committee of Ministers adopted in August 1950, with particular reference to the Recommendations selected by the Bureau as being of a priority nature. The second of these meeting was concerned principally with the question of the revision of the Statute, which the Committee of Ministers had decided should be discussed by the Joint Committee with a view to finding solutions that would be acceptable both to the Committee of Ministers and to the Assembly.

72. At its Sixth Session in November 1950, the Committee of Ministers decided to appoint as its representatives on the Joint Committee the representatives of Denmark, France, Italy and the United Kingdom, the Chairman, the former Chairman and the next Chairman of the Committee of Ministers.

### *8.2. Chapter 2. — Regular Meetings of the Ministers' Advisers*

73. At its Fifth Session in August 1950, the Committee of Ministers decided that periodic meetings should be held in Strasbourg by the Ministers' Advisers for the purpose of facilitating liaison between the Secretariat-General and Member Governments and for preparing the work of the Committee of Ministers. This decision anticipated Recommendation 11 (Doc. 74, 1950 Section 2, paragraph 10,) of the Consultative Assembly adopted in August 1950.

74. The first of these meetings was held in October 1950. In addition to the meetings of the Advisers immediately before the Sessions of the Committee of Ministers for the purpose of preparing the Agenda of and making proposals to the Committee of Ministers, the Ministers' Advisers have held meeting in Strasbourg or Paris each month from December 1950 to April 1951. These meetings were concerned largely with the revision of the Statute, but have also served the very useful purpose of examining the large number of questions submitted to the Governments for decision and of preparing the decisions of the Committee of Ministers itself. It is intended to continue these meetings as a regular practice, and they seem destined to play an increasingly important part in the ever-growing volume of work of the Council of Europe.

### *8.3. Chapter 3. — Appointment of Permanent Representatives of the Governments at Strasbourg*

75. The Committee of Ministers at its Seventh Session approved the proposal of the Committee on the Revision of the Statute to make possible the appointment of permanent representatives of Member States at the seat of the Council of Europe for the purpose of closer liaison between the Governments and the Secretariat- General. The Belgian and Italian Governments have already appointed such permanent representatives.

### *8.4. Chapter 4. — Meetings of Governmental Experts*

76. The large number of Recommendations made by the Consultative Assembly and the decisions made by the Committee of Ministers have necessitated many meetings of governmental experts. The technical nature of many questions under consideration in the Council of Europe has meant that it is difficult for the Committee of Ministers to take decisions without the expert advice that can be obtained in this way. During the period from August 1950 to April 1951 the following expert meetings were held :

*October, 1950 Ministers' Advisers*

*November, 1950 Committee of Social Experts*

*December, 1950 Committee on the Revision of the Statute*

*January, 1951*

*The Ministers' Deputies for the Approval of the Budget*

*Committee on the Revision of the Statute*

*Committee of Experts on Patents*

*February, 1951*

*Committee on the Revision of the Statute*

*Committee of Experts on Human Rights*

*Committee of Cultural Experts*

*March, 1951*

*Minister's Advisers*

*Committee of Experts on Patents*

*April, 1951*

*Committee of Experts on Human Rights*

*Ministers' Advisers*

*Committee on Information Services*

77. In addition, further meetings are scheduled for the near future of the Committee of Social Experts and the Committee of Experts on Patents.

### *8.5. Chapter 5. — Budget for 1951*

78. At its Sixth Session in November 1950, the Committee of Ministers authorised the Ministers' Deputies Representatives to hold a special meeting in January 1951 and to approve on behalf of the Committee of Ministers the Budget for 1951. This meeting was held in Paris on January 15th and the Budget for 1951 was approved in the sum of Frs. 557,910,000. This compares with a Budget for the year 1950 of 603 millions francs, which included 276 millions francs for ordinary expenditure and 327 million francs for the erection and equipment of the new building.

## Appendix 1 APPENDIX 1 - PROPOSALS APPROVED BY THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE AND THE COUNCIL OF O. E. E. C. FOR LIAI-SON BETWEEN THE TWO ORGANIZATIONS

**I**

" 1. Th e Organisation for European Economic Co-operation will present to the Council of Europe for discussion by the Consultative Assembly progress reports on economic problems which have received or are under consideration by the Organisation;

2. These reports will be sent to the Committee of Ministers on the occasion of each session of the Consultative Assembly or at any other time that might appear appropriate;

3. It will be for the Committee of Ministers of the Council of Europe to request one of its members — assisted, if so desired, by the Secretary-General of the O. E. E. C. — to introduce the reports to the Consultative Assembly or the Committee on Economic Questions.

**II**

" 1. I t was further agreed that the co-operation between the two Organisations should be based on mutual exchanges of information.

Occasion might be taken of the meetings between the two Committees to review the economic problems confronting either of these Organisations in order to avoid duplication of effort and to contribute, in each case, to establishing a desired procedure in respect of these matters.

As in the past, the Secretaries-General of the two Organisations would continue jointly to study economic questions. The form of this co-operation would where necessary be determined in the course of the joint meetings of the two Committees.

**III**

" Th e 0. E. E. C. committee informed the committee of the Council of Europe of the Swedish Government's decision to propose to the Council of the O. E. E. C. that an ad hoc committee be formed to study the proposals contained in its memorandum of 5th January, 1951. This ad hoc committee would also examine the possibilities of following the lines laid down in Recommendation 18. The 0. E. E. C. committee added that it intended to report further on this proposal in the course of the next meeting between the Committees."

It should further be noted that the text of these proposals gave rise to the following comments:

" (a) It was emphasized that the words " assisted by the Secretary-General " in paragraph 3 of Section I meant that the Secretary-General of the 0. E. E. C. would provide all desired assistance to the Minister responsible for submitting the Organisation's report, but that he would not himself be liable to interpellation by the Representatives of the Consultative Assembly.

(b) The Committees interpret paragraph 2 of Section II as giving them latitude to make proposals on the inclusion of certain questions in the programme of work or the agenda of the two Organisations.

(c) It was suggested by a member of the Committee of the Council of Europe that, should the 0. E. E. C, at the request of the Council of Europe, undertake studies of specific questions, an observer from the Secretariat of the Council of Europe should be authorised to follow the progress of work.

(d) The two Committees consider paragraph 2 of Section II as authorising them to examine in joint session any requests for consultation with the 0. E. E. C. experts communicated by the liaison-Committee of the Council of Europe. These two Committees will jointly establish procedure to be followed in each individual case.

## Appendix 2 APPENDIX 2 - DECLARATION ON PEACE

" At the close of its 1950 Session, the Council of Europe has reviewed the progress made during the year towards preserving the ideals of individual freedom, political liberty and the rule of law to which it is, by its Statute, dedicated. It has noted with satisfaction the many encouraging features that the year 1950 has to offer.

"The Council of Europe believes that the principal feature of the year, which gives much encouragement now and is full of promise for the future, is the staunch spiritual resistance of the free peoples of Europe to the threats to their freedom. The year 1950 has been a turning- point, when the free peoples of Europe rejected enslavement in the Communist system and defeated all attemps to poison and destroy their democratic institutions from within. The European Powers have shown their loyalty to the United Nations through their ready practical support of the action taken in Korea. They have thereby demonstrated their firm adherence to the cause of world peace. In every country the true aims and methods of Communist penetration and corruption of free institutions are being exposed. The Council of Europe has noticed with particular satisfaction that, despite the greatest efforts and most explicit directions of the Cominform to their agents, the free peoples have refused to be deceived by specious appeals in the name of a false peace.

" Th e Council of Europe rejects all appeals falsely cloaked in the name of peace, which are designed to serve the political interests and expansionist purposes of certain Governments.

" Th e Council will continue to labour in the cause of true peace, which is a spiritual condition based on mutual respect and confidence and which can only exist between individuals and between nations who are free and equal before the law. To this end they have drawn up and signed the Convention of Human Rights, the object being to being out clearly those values upon whose basis alone men and nations can live in peace and friendship with one another. The Council affirms that these ideals alone can ensure the peace that all humanity desires, and pledges itself to preserve them by all means in its power.

" Th e Council calls upon the Soviet Governments and its satellites, who constantly declare their support of peace, to demonstrate that support by deeds as well as words, and by sincere and effective co-operation with other nations of the world. In particular the Council calls on these Governments to establish those conditions ôf intellectual, religious and political freedom within their own borders which alone will permit their peoples to join with the citizens of the free West on a basis of mutual understanding and friendship. On that basis the Council believes that there could be an opening of frontiers and a free flow of ideas throughout Europe."

**Appendix 3 APPENDIX 3 - PROTOCOL ON THE RELATIONS OF THE EU ROPEAN COAL AND STEEL COMMUNITY WITH THE COUNCIL OF EUROPE**

THE HIGH CONTRACTING PARTIES

*FULLY AWARE of the need for establishing the closest possible links between the European Coal and Steel Pool and the Council of Europe and in particular between their respective Assemblies;*

*TAKING DUE NOTE of the Recommendations of the Assembly of the Council of Europe;*

HAVE AGREED on the following provisions :

Article 1

The Governments of the Member States shall be requested to recommend to their respective Parliaments that the Members of the Assembly whom they are to appoint should preferably be selected from among the Representatives to the Consultative Assembly of the Council of Europe.

Article 2

The Joint Assembly of the Community shall submit an annual report on its work to the Consultative Assembly of the Council of Europe.

Article 3

The High Authority shall submit to the Committee of Ministers and to the Consultative Assembly of the Council of Europe the annual general Report stipulated in Article 17 of the Treaty.

Article 4

The High Authority shall inform the Council of Europe of action taken in respect of the Recommendations made to it by the Committee of Ministers of the Council of Europe, in pursuance of Article 15 (b) of the Statute of the Council of Europe.

Article 5

The present Treaty and its Appendices shall be deposited with the Secretariat-General of the Council of Europe.

Article 6

Agreements between the Community and the Council of Europe may provide inter alia for any other form of mutual assistance and co-operation between the two Organisations and in due course for the appropriate forms to be taken by such assistance or co-operation.

**Appendix 4 APPENDIX 4 - REPORT TO THE COMMITTEE OF MINISTERS Submitted by the Committee of Experts on Social Security at its Second Session**

At its fifth Session the Committee of Ministers approved the conclusions contained in the report submitted to it by the Committee of Experts on Social Security at its first Session (CM (50) 26). Among these conclusions was the following :

" Tha t the Committee of Experts should meet from time to time, the date of the meetings to be fixed by the Secretary-General of the Council of Europe, and the Chairman of the Committee ".

2. Accordingly the Committee of Experts met in Strasbourg on 20th-—-23rd November 1950. It held the following meetings :

*20th November : from 3. p. m. to 7. p. m.>*

*21st November : from 9.45 a. m. to 1.15 p. m. and 3. p. m. to 5.20 p. m.,*

*22nd November : No meeting was held. The Committee visited certain social institutions at the invitation of the Director of the Caisse Régionale de Sécurité Sociale in Strasbourg.*

*23rd November : from 9.30 a. m. to 1. p. m. and3.25p. m. to 6.20 p. m.*

The representation of the Member States was as follows :

*BELGIUM :*

1. *MM. L. WATILLON, Director General of Social Welfare in the Ministry of Labour and Social Assurance,*
2. *A. DUQUESNE, Chef de Bureau in the Ministry of Labour and Social Assurance.*

*DENMARK : M. P. JuilL-CIIRISTENSEN, Head of Department in the Ministry of Social Affairs.*

*FRANCE : M. P. LAROQUE, Director General of Social Security in the Ministry of Labour.*

*GERMAN FEDERAL REPUBLIC*[1]*:*

1. *MM. DOBBERNACK, Ministerial Counsellor in the Ministry of Labour,*
2. *ECKERT, Ministerial Director in the Ministry of Labour.*

*GREECE*[2]*: M. P. ROZAKIS, Representative of Greece at the Council of Europe.*

*ICELAND : Not represented.*

*IRELAND : M. W. MAGUIRE, Assistant Secretary in the Department of Social Welfare.*

*ITALY*[3]*:*

1. *M. CARLONI, Chief of the Division of International Questions in the National Institute of Social Welfare.*
2. *M. MAZZETTI, DDeputy Director in the National Institute of Social Welfare.*

*L U X E M B O U R G* [4]*:M. P. WILWERTZ, Counsellor of State, Commissioner of the National Office of Labour.*

*NETHERLANDS : M. A. C. M. VAN DE VEN, Chief of the Section of Social Insurance in the Ministry of Social Affairs.*

*NORWAY : M. A. KRINGLEBOTTEN, Under Secretary in the Ministry of Social Affairs.*

*THE SAAR : Not represented.*

*SWEDEN : M. E. BEXELIUS, Director General of the Royal Board of Social Affairs.*

*TURKEY : M. N. TEKUL, President of the Administrative Council of the Institution of Social Insurance.*

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1. Germany was not represented at tho meetings on 23rd November.
2. Greece was represented only at tho meeting on 20th November.
3. At the meetings on 20th and 21st November Italy was represented by M. Adorni, Italian Consul at Mulhouse.
4. Luxembourg was represented only at the meeting on 20th November.

*UNITED KINGDOM :*

1. *MM. C. G. DENNYS, C. B., M. C. Under-Secretary of the Ministry of National Insurance,*
2. *T. C. STEPHENS, Principal in the Ministry of National Insurance.*

The Committee on Social Questions of the Consultative Assembly was represented at the meeting on 20th November by its Bureau, namely :

*MM. P. J. S. SERRÀRENS, Chairman,*

*CHAMPION,Vice-Chairman,*

*HEYMAN, Rapporteur.*

Members of the Bureau of the Committee on Social Questions participated also in other meetings.

The International Labour Office was represented by the following observers :

*MM. MORELLET, Deputy Director General,*[5]*,*

*A. ZELENKA, Counsellor to the I. L. 0.*

3. The first meeting was opened by the Secretary-General of the Council of Europe. He indicated the terms of reference of the Committee of Experts. The Committee thereupon re-elected as Chairman M. P. LAROQUE, France.

4. The terms of reference of the Committee are the following decisions of the Committee of Ministers :

*a.* The decision of 21st March 1950, whereby the Committee of Ministers established the Committee of Experts in order to study the problems involved in the extension to the Member States of the Council of Europe of the Multilateral Convention on Social Security between the Brussels Treaty Powers.

*b.* The decision of 4th August 1950, whereby the Committee of Ministers approved the conclusions of the first report of the Committee of Experts, thus implicitly extending the terms of reference of the Committee so as to comprise the following questions :

1. The possibility and desirability of a general provisional agreement establishing the equality of the subjects of all the Member States of the Council of Europe with the nationals of each of them, with respect to the laws on social security, as soon as such subjects have taken up residence in that country.
2. The possibility, either by a general agreement or by private agreements, to allow the subjects of all Member States to benefit from the bilateral or multilateral convention on social security concluded between two or more of these States, as soon as such subjects have fulfilled the conditions required of the nationals of the countries signatory to the conventions, so that these conventions may be applicable to them.
3. The possibility of establishing between the Member States a general convention on assistance, by extension of the multilateral convention on social and medical assistance concluded between the Brussels Treaty Powers.

*c.* The decision which the Committee of Ministers took at its seventh Session, after having considered the Recommendation of the Consultative Assembly regarding the establishment of a European Code of Social Security. This decision reads as follows (Doc. CM (50) 88, paragraph 6):

" Th e Committee of Ministers approved the principe underlying the Assembly Recommendation relating to a European Code of Social Security and decided to instruct the Committee of Social Experts, due to meet in Strasbourg on 20th November next, to examine what methods should be employed to deal with the problem raised by the Assembly, taking into account the meeting arranged for 1951 by the I, L. 0. to study the same question. "

In the decision referred to under b) above, the Committee of Ministers also instructed the Secretary-General of the Council of Europe to get into touch with the Organisation for European Economic Co-operation with a view to avoiding duplication of work in the field of social security. On 27th September 1950, the Secretary-General addressed a letter to the Secretary-General of the 0. E. E. C. on this matter. The latter has acknowledged the receipt of this letter, but has as yet given no definite reply.

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5. M. Morellet participated only in the meeting on 20th November.

**Item 1 of the Agenda : European Code of Social Security.**

The Committee had before it a working paper prepared by the Secretariat-General, document CM/WP II (50) 16.

The Chairman of the Committee on Social Questions of the Consultative Assembly, M. P. J. S. SERRARENS, explained the motives which had led to the Recommendation for such a Code. Europe must maintain its leading position with respect to social security. Moreover, increasingly close economic co-operation necessitates a harmonisation of social charges in the Member States of the Council of Europe.

The Code must be sufficiently broadly framed, so as to secure a large number of ratifications. It must be established in close collaboration with the International Labour Organisation. A conference to adopt the Code would have to be based on tripartite representation (Governments, employers and workers). The conference should be called under the joint auspices of the Council of Europe and the I. L. O.

The Chairman of the Committee of Experts stated that there were two problems to consider, one a question of form or procedure, the other a question of principle.

(a) The first question concerned the method of adopting the Code. The I. L. 0. could call a conference in collaboration with the Council of Europe, or the latter could call the conference in co-operation with the I. L. 0.

(b) The question of principle was how to co-ordinate the work of the Council of Europe with that of the I. L. 0. on the international plane. The International Labour Conference in 1951 would discuss the principles of a worldwide social security convention similar to the envisaged European Code. For this purpose the I. L. 0. had submitted to its Members a questionnaire. The information contained in the replies on the actual position of the I. L. 0. Member States (including 13 of the Members of the Council of Europe) would indicate what principles should be embodied in such a convention. This material would obviously be very helpful in the work of the Council of Europe.

There was a question of timing involved. In June, 1951 the principles of the I. L. 0. Convention would be adopted. The Council of Europe could hardly expect to get results at an earlier date. À meeting of the Committee of Experts could, therefore, be convened in May 1951 to consider the replies to the above-mentioned Questionnaire, which would in the meantime have been submitted also to the German Federal Republic and the Saar, who were not Members of the I. L. 0.

When the report of the International Labour Conference in June 1951 was available, the Committee of Experts could meet again to determine the principles to be embodied in the European Code, basing their deliberations on the attitude taken by the Governments concerned to the I. L. 0. Convention. The conference for the adoption of the Code could then be called as seen as possible.

M. Morellet explained the position of the I. L. 0., stressing, however, that his statement was subject to the approval of the Governing Body, The main preoccupation of the I. L. 0. was the problem of co-ordination. There were no constitutional obstacles preventing the I. L. 0. from arranging a regional conference and adopting a regional convention. He considered that the conference in question should be called by the I. L. 0. and the Council of Europe jointly.

The Rapporteur of the Committee on Social Questions of the Consultative Assembly, M. IÏEYMAN, stressed that the question of procedure had already been decided upon by the Committee of Ministers, in conformity with the Recommendation of the Consultative Assembly.

The I. L. 0. was free to call regional conferences but its European Members were not necessarily identical with the Members of the Council of Europe. It was important that the Council of Europe should take the initiative in convening the conference. This was in accordance with the decision of the Committee of Ministers.

With regard to the problem of harmonising social charges, he stressed that it was necessary to consider both wages and social security liabilities, as both affect the cost of production.

As the Secretary-General of the Council of Europe had indicated that the Committee of Ministers wanted to have the opinion of the Committee of Experts concerning the procedure for the convocation of the European Labour Conference, the Committee considered that, in so far as it was necessary to take a position on this immediately, the procedure which would permit the closest collaboration between the International Labour Organisation and the Council of Europe would be that these two Organisations should fointly convoke the conference.

After further discussion of the methods for co-ordinating the work of the Council of Europe with that of the I. L. 0. and how best to profit from the work of the latter, it was decided to make the following recommendations, subject to consultation with the I. L. 0. :

*a.* The Member States of the Council of Europe should transmit to the Secretariat-General the replies they have given to the questionnaire addressed to them by the I. L. 0. concerning standards of social security. These replies should then be circulated to the Member Governments and also transmitted to the individual members of the Committee of Experts.

*b.* The said questionnaire should be submitted to the Governments of the German Federal Republic and the Saar. Their replies should be sent to the Secretariat-General of the Council of Europe, so that they might be considered by the Committee of Experts at its next meeting[6].

*c.* The International Labour Office should be requested to undertake, in collaboration with experts on this matter, a comparative study of the costs of social security in the Member States of the Council of Europe. These costs should be viewed in the light of the whole of the salaries and any financial subsidies which go to improve the standard of living of the workers. The result of this study should be communicated to the members of the Committee of Experts before the next meeting of the Committee [7].

*d.* The Committee of Experts should meet in May, 1951 to examine jointly the report established by the International Labour Office for the International Labour Conference in June, 1951, and the documentation referred to under (c) above. The Committee should endeavour to define the position of the Member States of the Council of Europe with regard to the questions to be discussed by the International Labour Conference. The Committee should further undertake a preliminary examination of the possible contents of a European convention.

*e.* After the International Labour Conference, the Committee of Experts should meet again in order to consider the position as it appears in consequence of that Conference. Then the Committee would be in a position to take a definite standpoint regarding the principles of the European Code.

*f.* The Committee of Experts should, at its session following the International Labour Conference in June, examine which date appears to be the nearest possible for the convocation of the European conference.

**Item 2 of the Agenda : Principles of bilateral treaties on social security, particularly in the light of the recent negotiations between France and the Scandmaciaii countries.**

The Chairman made a statement concerning the negotiations between France and the Scandinavian countries. Bilateral treaties were in the process of being concluded between :

1. France—Denmark,
2. France—Norway,
3. France—Sweden.

Draft treaties had already been established and submitted to the Governments for approval. The same applied to a multilateral convention between these four countries..

The bilateral treaties covered sickness, maternity, death, old age, industrial injury, profes-sionnal illness and family allowances. The intention was to make possible the totalisation of insurance periods and the maintenance of acquired rights when an insured person moved from one country to the other.

The main difficulty in drawing up these draft treaties was in regard to old age pensions, owing to the fact that the Scandinavian schemes of old age pensions were not based on contributions. Nationals of one of these countries who had attained pensionable age, were, without any condition even as regards residence, eligible for a full pension, which was financed by ordinary taxation. This was different from the systems of most European countries, where old age pensions were dependent on, and proportional to, contributions from the insured persons.

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6. The representative of Germany declared that Germany would be willing to co-operate.
7. Tho representatives of tho United Kingdom and Ireland considered that the problems involved in such a study and tho possibility of completing it within the period, required further consideration.

When two countries, both of which had the contributory system, concluded an agreement concerning totalisation of insurance periods, the ordinary system was that the interested countries were responsible for the pensions, taking into account the total of the periods passed by the insured person in the two countries, but in such a way that each country had to pay the part of the pension proportional to the time passed in that country in relation to the total period taken into consideration.

This system could not be applied in the case in question. On the other hand, the Scandinavian countries as between themselves applied another system, according to which five years of residence in one of the countries gave right to a full pension in that country. These countries would have preferred to adopt a formula to avoid transfer of funds from one country to the other.

The solution found between France and the Scandinavian countries contained components of both these systems. As the details of this solution would appear from the treaties themselves, it hed not been deemed necessary to state them here..

The peculiarity of the case made it, however, necessary to distinguish between persons residing in France at the pensionable age on the one hand, and persons residing in a Scandi-vavian country, e. g. Norway, on the other.

A person residing in France would be entitled to a pension calculated on the basis of his period of residence in Norway and on the insurance period he had completed in France. As it would be impossible to establish a fraction of a Norwegian old age pension to which the beneficiary would be entitled on the basis of his residence in Norway, the Norwegian Government would refund to France, not a part of the Norwegian pension, but a part of the French pension.

A person residing in Norway, on the other hand, would be entitled to a full pension according to Norwegian legislation, and France would refund the part of the pension to which the person would have been entilted on the basis of the contributions he had paid in France.

The multilateral convention linked the bilateral treaties together in such a way as to render possible its extension to other countries.

A discussion arose on the following points :

*a.* Would it be possible for the Committee to establish a time-table or an overall plan for the bilateral negotiations to take place between pairs of Member States, taking into account the time available to the various Governments and giving priority to the most important negotiations?

*b.* In view of the fact that the complete network of bilateral treaties between the Member States would comprise 105 treaties, would it be possible, when a certain number of important bitateral treaties hed been concluded, to replace the rest by a multilateral convention?

This would not be a multilateral convention of the type concluded between the Brussels Treaty Powers or the one negotiated between France and the Scandinavian countries, which are to be superimposed on a network of bilateral treaties to link them together. It would be a multilateral convention designed to complement a network of bilateral treaties so as to make the principles of such directly covered by them.

Regarding point a), it appeared that the majority of members thought that their Governments could not bind themselves to a rigid time-table, nor could they give priority to certain negotiations.

Some members gave information regarding the plans of their Governments concerning bilateral negotiations, as follows :

Netherlands would start negotiations with Italy in April 1951 and would like to negotiate with the Scandinavian countries in September 1951.

The United Kingdom is at present negotiating with 8 Member States of the Council of Europe and, moreover, with some States outside that group.

Italy wishes to draw up its time-table of negotiations as follows :

*February, 1951 : United Kingdom.*

*April, 1951 : Netherlands.*

*October, 1951 :*

*Denmark,*

*Norway*

*and Sweden.*

*November, 1951 : Luxembourg.*

France has no immediate plans, but has concluded agreements with 10 of the Member States of the Council of Europe.

The Committee decided that what it could do at present was only to take note of the above information.

Moreover it was decided to request the Secretariat- General to submit to the Committee at regular intervals or at least to each session of the Committee a list showing the progress of progress of bilateral negotiations. It should give information on negotiations being undertaken, as well as on agreements signed, ratified and applied.

With regard to point (b) above, the Committee decided that at present it could only take note of the possibility of establishing such a supplementary multilateral convention.

**Item 3 of the Agenda : Standard formulae for the wording of bilateral treaties.**

As there were no concrete proposals in this connection, the Chairman stated that it would be of value to ensure that different countries approached the same problems in the same way, and, as there were already concluded many bilateral treaties on social security, the wording of new treaties should, where possible, be modelled on those already in existence.

The Committee did not, however, consider it feasible to establish.in abstract terms a model convention which could be used as a pattern in all future cases.

**Item 4 of the Agenda : The possibility and desirability of a general agreement establishing equal treatment in each Member State, with respect to the laws on social security, between its own nationals and the nationals of other Member States, as soon as the latter have taken up residence there.**

As working papers on this item of the Agenda the Committee had before it a memoranda submitted on behalf of the following Governments : France, Ireland, Netherlands, Norway and the United Kingdom. A memorandum from the Danish ' Government arrived during the meeting, but could not be prepared for distribution.

The Chairman explained that the intention of such a provisional agreement would be to achieve some temporary results, pending the conclusion of bilateral treaties on social security. The agreement would be of a strictly provisional character. He stated that the memoranda received appeared to view the proposal favourably, although there were some reservations, particularly in the case of Nor-may, with regard to equality of treatment in the field of old age pensions.

After examining the whole question of establishing an agreement of this kind, the Committee came to the following conclusions :

*a.* It would be both possible and desirable to conclude within the near future a general agreement covering fields of social security other than old age, invalidity and survivors' pensions[8]. This agreement would ensure that in each country the subjects of any Member State of the Council of Europe were accorded treatment equal to that of the nationals of the country in question as regards the laws passed in the said fields of social security, subject to two conditions :

*First, that the persons in question were permanently resident in that country,*

*Secondly, so far as concerns application of legislation intended to cover certain risks, that the contingencies thus covered had materialised after the persons in question had taken up residence in that country. The agreement would only cover the laws in force at the time of its signature. It would, however, be extended to new legislation if, within three months from the adoption of such legislation, the country in question had indicated to the other signatory countries that they had no objection this extension. The Irish representative stated that his Government would be obliged to make a reservation as to automatic extension of the agreement in the absence of notice. His Government preferred to proceed by way of bilateral agreements,*

8. The exclusion of invalidity — and survivors' pensions does not apply whore such benefits are granted in connection with industrial injuries and occupational diseases.

*and such extension was not sufficiently in keeping with that method. There was the further point that existing legislation did not contemplate reciprocal arrangements in regard to non-contributory schemes. The agreement would apply to legislation passed on the folloving branches of social security :*

*Industria l injuries and occupational diseases,*

*Sickness and maternity,*

*Death (excluding survivors' pensions),*

*Family allowances,*

*Unemployment (subject to possible requirements to work for a certain period in the country in question, such period not to exceed...) The United Kingdom representative pointed out that he was obliged to make some reservations with regard to family allowances, in view of the fact that as the legislation at present in force in his country, required from aliens a longer period of residence in the country than from nationals, no possibilities for a reciprocal arrangement in this respect were yet available.*

*b.* With regard to old-age invalidity and survivors' pensions it was agreed that it would be impossible to draw up a general provisional agreement according subjects of Member States of the Council of Europe equal treatment to that of nationals.

Whereas under Danish, Norwegian and Swedish laws, nationals of these countries are entitled to receive pensions without any conditions regarding contributions or even length of residence, it is hardly conceivable that such rights would be accorded to aliens, unless the other countries guaranteed reciprocal treatment to the nationals of Scandinavian countries. Now, in these countries, whose legislation is based on the contributory system, any genuine reciprocal arrangement would require an aggregation of the periods passed in the various countries. And this could only be effected through bilateral agreements, the framing of which would be a long and detailed task. Ireland is at the moment in a somewhat similar position to that of the Scandinavian countries, and its existing legislation does not provide for reciprocal arrangements dealing with non-contributory schemes.

In these circumstances it was decided to consider drawing up a provisional agreement restricted to countries other than Denmark, Norway, Sweden and Ireland. Under this agreement, subjects of the signatory countries would be granted equal treatment to that of nationals in respect of both the contributory and non-contributory schemes in force in the countries of residence of the persons in question. On the other hand, the right to pensions under non-contributory schemes would be subject to an uninterrupted period of five years' residence from the date of entitlement[9].

Further, it was agreed that in a country such as the United Kingdom which accords aliens, as an alternative to an actual non-contributory pension, the right to an allowance of an equal sum subject to substantially similar conditions this would satisfactorily comply with the rule of equality.

Only persons permanently resident in the country required to pay the pensions would be entitled to benefit from the provisional agreement.

The Italian representative would have preferred that the agreement could be extended to beneficiaries of pensions leaving the territory of the country responsible for paying the pension.

The International Labour Office would be invited to draft the text of two Agreements in liaison with the Secretariat-General of the Council of Europe. This text would be transmitted to the Experts by 1st April, 1951 for examination by the Committee at its May Session.

**Item 5 on the Agenda : General agreement or private agreements allowing subjects of the Member States to benefit from the bilateral or multilateral conventions on social security concluded between two or more Member States, as soon as such subjects fulfil the conditions required of the nationals of the signatory States.**

The memoranda submitted by certain Governments referred to under the foregoing paragraph constituted the working papers of the Committee also with regard to the present question.

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9. Tho Italian delegation expressed the wish that tho five year delay could he reduced, at least for invalidity pensions.

After some discussion the Committee decided to recommend that the contemplated extension of bilateral and multilateral conventions now in existence to nationals of Member States other than the States signatory to such conventions, should be brought about through one general multilateral agreement rather than through private agreements.

This general convention should define the clauses of the bilateral and multilateral conventions which are to be extended, as follows :

*a.* Totalisation of insurance or residence periods.

*b.* Clauses relating to the determination of the legislations applicable according to the place of work or residence of the insured person.

*c.* Payment of benefits in the territory of other signatory countries, excluding third parties.

The general agreement should apply to all branches of social security, other than old-age, invalidity and survivors' pensions (in so far as invalidity and survivors' pensions are not based on the legislation concerning industrial injuries and occupational diseases).

A supplementary agreement would be envisaged between Member States other than the Scandinavian countries and Ireland. This agreement should apply the same principles to the provisions of conventions concerning old-agé, invalidity and survivors' pensions.

The Committee agreed to request the International Labour Office to prepare drafts of such agreements in collaboration with the Secretariat-General of the Council of Europe.

The representative of Ireland wished to record that his Government preferred an arrangement through bilateral treaties.

**Item 6 of the Agenda : Exchange of information on social security between the Member States of the Council of Europe.**

As the Committee of Experts had, at its first session, decided to recommend that the Member States should, through the Secretariat-General, exchange information on their social security systems, particularly with regard to the position of foreigners under such systems, the Secretariat-General had prepared for the present session a working paper containing certain suggestions for the implementation of this recommendation(Doc. CM/WP 11 (50) 18).

After a discussion concerning the best method of collecting and disseminating the information in question, the necessity of avoiding duplication of work with other organisations and the desirability of designating in each country a service which would be responsible for keeping contact with the Secretariat-General of the Council of Europe with regard to this matter, the Committee decided to make the following recommendations :

*a.* Information on the present status of social security. The summary of social security legislations prepared by the International Labour Office with respect to the Member States of the I. L. 0. should be taken as a basis. The appropriate Ministry in each Member State should review the information contained in the I. L. 0. summary in order to undertake any necessary changes or additions. The results of this revision should be communicated to the Secretariat-General of the Council of Europe, as well as to the International Labour Office. The Governments of the German Federal Republic and the Saar should be requested to supply information on the social security systems in these countries, modelled on the same pattern as the I. L. 0. summaries.

*b.* Information on current developments. Each Member Government should through the appropriate authority transmit to the Secretariat-General of the Council of Europe copies of printed official documents concerning social security developments of importance, and particularly such which affect the position of foreigners in the field of social security. Moreover, each Member Government should once a year transmit to the Secretariat-General a survey of new developments. This should be based on a Questionnaire, the text of which was approved by the Committee of Experts and is attached to the present report. The transmission of this information could conveniently be combined with the annual transmission to the I. L. 0. of information relating to the application of the International Labour Conventions.

*c.* Contact between the Governments an the Secretariat- General. For the purpose of collating the information in question the Secretariat-General should be empowered to correspond directly with the appropriate service in each country. Each Government should appoint one single Ministry to maintain the contact with the Secretariat- General, even if social security questions are dealt with by more than one Ministry.

*d.* Medium of dissemination of information. The Secretariat-General of the Council of Europe should, in collaboration with the I. L. 0. and other interested Organisations, consider the possibility of issuing a periodical publication containing the said information.

*e.* Special information on the position of foreigners under the social security schemes of the Member States. The draft paper prepared by the Secretariat-General containing such information (Doc. CM/ WP II (50) 18, Appendix I) should be revised by the appropriate authorities in each Member State. The necessary corrections and additions should be communicated to the Secretariat-General before 15th January 1951. The document thus revised should then be distributed to the Member Governments.

**Item 7 of the Agenda : Appointment of a Sub-Committee to deal with the possibility of establishing a general convention between the Member States on social and medical assistance by extension of the Convention on these matters, concluded between the Brussels Treaty Powers.**

As the problem of public assistance is different from that of social security, and as experts on the latter are, therefore, not necessarily competent to deal with the former, the Committee decided to recommend that the Member Governments should appoint special experts to give recommendations on this matter. Such a Committee should be convened as soon as possible.

The Committee of Experts on Social Security considers it desirable that its next session should be held in the beginning of May, 1951, on the assumption that the report of the International Labour Office, based on the replies to the questionnaire on social security standards, is available at that time.