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Constitutional Questions

Report¹

Committee on Political Affairs and Democracy

Rapporteur: Mr Paul STRUYE, Belgium

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A. Explanatory Memorandum

1. Terms of Reference

In its Reply to the Report and Message of the Committee of Ministers (May, 1951) the Assembly gave explicit instructions to the Committee on General Affairs :

" The development of the Council of Europe as a whole is a matter on which it is not to be expected that easy or early agreement will be reached; but it is one which must raise at some time the question of the revision of the Statute. The Assembly does not desire barren constitutional discussion, but if the Council of Europe is to play the part which Europe expects of it, its basic competence must be enlarged. The Assembly considers therefore that the Protocol for the Amendment of the Statute and the proposals of M. La Malfa should be given further consideration by the Committee on General Affairs.² "

These instructions the Committee has fulfilled.

2. Other Questions

Apart from the Protocol and the proposals of M. La Malfa, a number of other questions of a constitutional nature were referred to the Committee. These were :

- a. Motion of M. von Campe relating to the drafting of a Constitution for the United States of Europe ([Doc. 153](#), 2nd Session, 1950).
- b. Motion of M. Bardoux relating to the elaboration of a Pact of European Union ([Doc. 139](#), 2nd Session, 1950)
- c. Motion of M. Bastianetto relating to the setting up of a ministry for European Economic Affairs ([Doc. 58](#), 2nd Session, 1950).
- d. Motion of M. Persico relating to the setting up in each Member State of a Ministry for European Affairs ([Doc. 60](#), 2nd Session, 1950).
- e. Motion of Mr. Norton relating to the meeting-places of Assembly Committees ([Doc. 15](#), 2nd Session, 1950).

3. Matters for Consideration

From time to time various amendments to the Statute have been recommended by the Assembly. A very detailed and thorough examination of these amendments has already been made in the Report on the Revision of the Statute submitted on behalf of the Committee on General Affairs by Mlle. Klompé, the Rapporteur ([Doc. 10](#), 3rd Session, 1951). Thus, to do their work properly the Committee had to consider the Protocol, the proposals of M. La Malfa, the five matters referred to in the preceding paragraph, and the report on the revision of the Statute prepared by Mlle. Klompé. AU these have been considered by the Committee.

4. The Five Proposals

When the Committee reviewed these documents and all the constitutional recommendations of the Assembly and its Committees, it found that five major proposals had been made. These were :

- a. Development of the Assembly's consultative functions.
- b. The relationship of Specialized Authorities with the Council of Europe.
- c. The merger of the O. E. E. C. and the remainder of the Brussels Treaty Organisation with the Council of Europe.
- d. A Standing Group for the Committee of Ministers; a Steering Committee for the Assembly; and the creation of Executive Agencies.
- e. Convention-making powers for the Council of Europe.

2. Recommendations of the Assembly, First Part of the Third Ordinary Session, pages 8-10.

The Assembly will note that it has already adopted the larger part of the Five Proposals in the form of Recommendations or Resolutions, and detailed references to these votes are given in the footnotes at the beginning of each Chapter in the Draft for a New Statute. In this sense the work of the Committee has largely been that of embodying these Recommendations and Resolutions of the Assembly in Articles which can be inserted in the Statute.

5. Draft for a new Statute

After giving these different questions careful consideration, the Committee came to the conclusion that the best method of dealing with them was to embody all the proposals for change in one document, i.e. to draft a new Statute for the Council of Europe. This the Committee has done and the reasons for doing this were as follows :

- a. To avoid confusion with the Protocol, from which the draft for a new Statute differs radically in several important respects,
- b. To show Representatives in a simple way the changes which are proposed. (The parts where the Draft for a New Statute differs from the Statute of the 5th May, 1949, promulgated in London are printed in italics),
- c. To enable each Chapter to be considered separately, without the acceptance of one proposal involving the acceptance of another,
- d. To place on record in one document the views of the Assembly on the reform of the Statute. Even if the Committee of Ministers refuse to accept it, an end will be put to the constitutional discussion which has taken place over the last three years, and the views of the Assembly will be placed before the Ministers in a clear and definite form.

6. Aims of the New Statute

In the draft for a new Statute which follows, the Committee on General Affairs has attempted to carry out the instructions of the Assembly to study the necessary changes to be effected in the political structure of Europe in order to achieve closer unity between its Members. In the opinion of the Committee, the implementation of this Statute will help to realize at least four important aims, namely :

- a. To eliminate the present confusion of functions by unifying all existing European organizations, thereby giving a fresh sense of purpose to our confused peoples,
- b. To establish effective machinery whereby all barriers to the free movement of goods, services and human beings may be reduced, and eventually abolished, and a unified trading area created, so that Europe will be able to bear the burden of rearmament without sacrificing that standard of living essential to free men,
- c. To find a compromise whereby the Council of Europe can in time develop into that political authority which can alone prevent yet further division at a time when unity is the condition of our survival,
- d. By the development of such an authority in Europe to make possible the establishment of a permanent community of the free world upon the stable basis of equal partnership.

7. Recommendation

The Committee on General Affairs therefore asks the Assembly to adopt the Recommendation contained in the second part of this Report, which approves the new Statute and requests the Committee of Ministers to recommend its adoption to Member States and to take all necessary steps to bring the different European Organizations together. In asking the Assembly to accept this Recommendation the Committee considers that it would be most unfortunate if a long discussion of the Statute, Article by Article, were to take place in the Assembly. The Protocol was approved by the Assembly in principle and referred to the Special Committee of Seven, which reported unanimously in its favour. The Committee on General Affairs has in the course of four meetings reviewed the Protocol and all other proposals made for the amendment of the Statute, and has given detailed consideration to the text of the present draft Statute. In its view the detailed consideration of the draft Statute, Article by Article, is a matter for the Committee, and not for the Assembly. It was the task of the Committee to undertake a preliminary sorting out of the detail. It is now for the Assembly to pronounce for or against the new Statute in principle. The new Statute embodies five new proposals the nature of which has

been indicated in Section 4 of this Introduction. It is for the Assembly to say whether it wants the Council of Europe to develop on the lines of those five proposals or not. In other words, it is for the Assembly to vote for or against the Recommendation.

8. Special Report

In this Introduction no attempt has been made to give a long exposition of why the reform of the Statute is the key to the present situation i.e. to give a lengthy explanation of the provisions of the draft for a new Statute; nor to deal with the objections to it which have been raised from time to time. These are all contained in a Special Report which certain Representatives have sent to every member of the Assembly (Doc. AS/AG (3) 43). This Report contains a very thorough examination of the reasons why the Assembly should adopt the Recommendation proposed by the Committee, and, although Chapters IX to XII of the draft of a New Statute have been somewhat modified in their final form, the Report does represent an honest attempt to examine the implications of the new proposals. It shows clearly that, while the Assembly does not desire barren constitutional discussions, it, nevertheless, believes that if the Council of Europe is to play the part which Europe expects of it, its basic competence must be expanded. It is believed that Representatives will find it of value to study this Special Report before determining their attitude to the Recommendation

9. The European Community

The Report on the Aims and Scope of European Policy contains the principles on which the Assembly's policy for Europe should be based and provides, among other things, for a new and urgent appeal to the United Kingdom to become more closely associated with continental Europe, and for a new impulse to be given to the economic, financial and social unity of Member States. The pressing reasons for making this appeal are well known : the need to build the Atlantic Community on two pillars and not on three; the need for a common Political Authority, if the defence of Europe is to be properly provided for; the need for economic union if rearmament is not to mean social upheaval; the problem of the balance of payments i.e. the problem of the dollar gap of the States of Western Europe, and, particularly, Britain's deficit in dollars; the urgent question of German unity; the difficulties which are threatening to wreck both the Schuman and the Pleven Plans.

This appeal is echoed by implication in the Mutual Security Act recently passed by the American Congress, which provides funds for Europe " to encourage further the economic unification and the political federation of Europe. " General Eisenhower, the C.-in-C. of our armed forces, has already served notice on the Governments of the North Atlantic Treaty Organization that he cannot guarantee the security of the West unless he receives orders from a single Political Authority. But, while no one will deny the necessity for building up an Atlantic community and for endowing it with a single Political Authority, the creation of a European community is a condition precedent to this development, and with any European community Great Britain must be associated to the fullest possible extent.

10. Conclusion

If a new appeal is to be made to Britain, then it must be based upon new proposals which stand some chance of acceptance. The proposals contained in this Report have been designed to meet the British half way. No power is given up in advance; there has been no attempt to draft a federal constitution. Instead, machinery is created whereby the Assembly can draft detailed European Conventions dealing with specific European needs, and whereby executive authority can be given to Executive Agencies set up by the Committee of Ministers. In other words, the British empirical method has been adopted. The sphere of Authority will increase only with the achievement of concrete results.

These proposals, together with the unification of existing European organizations, the forging of close links with the Specialized Authorities, and the development of the Assembly's consultative functions, can give the Council of Europe the chance to make a new start. They do not conform to any of the earlier kinds of political association, such as federation on the American pattern, because they have to deal with a situation for which there is no precedent. Old and proud nation-States have been forced by two wars to realise that their future can lie only in unity; but at the same time those wars have erected tremendous barriers to any immediate and sweeping solutions. Instead, some new and flexible form of machinery must be discovered which will enable Europe to tackle effectively those specific problems that only Europe as a whole can solve. It is in the belief that the implementation of the Recommendation to the Assembly can provide this flexible form of machinery that the Committee asks the Assembly to accept it.

R. W. G. MACKAY.

Rapporteur of the Committee on General Affairs

1.1th November, 1951.

B. Draft Recommendation

The Assembly,

Recalling, as a matter of fundamental importance, that on the 13th August, 1949, it was at its first meeting asked by the Committee of Ministers " to consider any changes in the political structure of Europe necessary to achieve closer unity between Members of the Council of Europe and to bring about effective European co-operation in the various spheres specified in Article 1 of the Statute ",

Considering that, in response to this request it unanimously resolved on the 6th September, 1949, that the aim of the institutional reform envisaged by the Committee of Ministers was " the creation of a European political authority with limited functions but real powers",

Recalling that it has spent the past three years studying in co-operation with the Committee of Ministers the practical means whereby this aim may be achieved,

Conscious that the development of the international situation makes changes in the political structure of Europe particularly urgent, in order that the competence of the Council of Europe may be defined and enlarged,

Having made every effort to propose only those changes which are compatible with the publicly expressed positions of the various Member States concerning the terms of reference and the structure of the Council of Europe,

Having incorporated these changes in a draft new Statute,

Recommends to the Committee of Ministers

- a. that the draft, for a new Statute of the Council of Europe, as appears hereafter, be approved,
- b. that Member States be requested to adopt the new Statute, in accordance with the provisions of Article 41 of the present Statute,
- c. that practical measures be forthwith taken to eliminate the confusion of functions existing between European international organizations, by merging with the Council of Europe the Organization for European Economic Cooperation and the remainder of the Brussels Treaty Organization.

DRAFT NEW STATUTE OF THE COUNCIL OF EUROPE

NOTE To enable the draft for a New Statute to be easily compared with the London Statute of 5th May, 1949, the new portions have been set out in italics. Many of these proposals have already been accepted by the Assembly and/or by the Committee of Ministers. Wherever this is so, a note has been inserted at the foot of the page.

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the German Federal Republic, the Kingdom of Greece, the Republic of Iceland, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Saar, the Kingdom of Sweden, the Republic of Turkey, and the United Kingdom of Great Britain and Northern Ireland;

Convinced that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilization ;

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

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

Considering that, to respond to this need and to the expressed aspirations of their peoples in this regard, it is necessary forthwith to create an organization which will bring European States into closer association;

Recognizing that an increasing number of matters of common concern have developed from the phase of consultation and agreement to the stage of control and administration through duly constituted authorities of an organized Europe;

Have in consequence decided to set up a Council of Europe consisting of a Committee of representatives of Governments and of an Assembly, and have for this purpose adopted the following Statute³

CHAPTER I - Aim of the Council of Europe

Article 1

- a. The aim of the Council of Europe is to achieve a greater unity between its Members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage, facilitating their economic and social progress and increasing their security.⁴
- b. This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action and Convention-making in accordance with the Statute⁵ in political⁶, economic, social, cultural, scientific, legal and administrative matters, and in the maintenance and further realization of human rights and fundamental freedoms..
- c. Participation in the Council of Europe shall not affect the collaboration of its Members in the work of the United Nations and of other international organizations or unions to which they are parties.
- d. The immediate programme of the Council of Europe shall include :
 1. The development by concerted action of the productivity and resources of Member States, and the raising of the standard of living of their peoples to the highest possible level;
 2. the maintenance of a high and stable level of trade and employment, stable currencies and rates of exchange, and the maximum interchange of goods and services by the reduction, and, eventually, the abolition, of all barriers to the free movement of goods, services and human beings;
 3. the peaceful settlement of disputes between Members by means of conciliation⁷ ; and
 4. without prejudice to the generality of the foregoing, all matters referred to in the Convention for European Economic Cooperation, and in Articles 2 and 3 of the Brussels Treaty⁸.
 5. The Council of Europe shall control and direct such organizations as shall be merged with the Council of Europe under the provisions of the First Protocol to this Statute.⁹

CHAPTER II - Membership

Article 2

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

Article 3

Every Member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of Human Rights and Fundamental Freedoms, and collaborate sincerely and effectively in the realization of the aim of the Council as specified in Chapter I.

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4. Resolution 11, adopted by the Assembly, 28th August, 1950 and Recommendation 54 (a) (ii) adopted by the Assembly, 23rd November, 1950. Article 1 (d) of the present Statute omitted.

5. This change should be considered in relation to Chapter Eight.

6. Recommendation 54, Section 4 (a) (i), adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 6 abstentions).

7. Recommendation 56, adopted by the Assembly, 24th November, 1950 (93 votes to 0, with 1 abstention) : " The Assembly recommends that the Committee of Ministers consider the expediency of extending effectively to all Members of the Council of Europe the principle of the mandatory procedure of conciliation set out in Article 8 of the Brussels Treaty ".

8. Recommendations 18 and 19, adopted by the Assembly, 18th August, 1950 (94 votes to 0, with 12 abstentions). Renewed in Recommendation 55, adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 16 abstentions). Renewed in Reply to the Report and Message of the Committee of Ministers [Doc. 57(1951), paragraphs 2 and 3] adopted by the Assembly, 15th May, 1951 (64 votes to 2, with 5 abstentions).

9. The first Protocol to the Draft for a New Statute should be considered at the same time as Article 1 (e).

Article 4

Any European State, which is deemed to be able and willing to fulfil the provisions of Article 3, may, with the approval of the Assembly, such approval to be by a simple majority,¹⁰ be invited to become a Member of the Council of Europe by the Committee of Ministers. Any State so invited shall become a Member on the deposit on its behalf with the Secretary-General of an instrument of accession to the present Statute.

Article 5

- a. In special circumstances, a European country, which is deemed to be able and willing to fulfil the provisions of Article 3, may, with the approval of the Assembly, such approval to be by a simple majority¹¹, be invited by the Committee of Ministers to become an Associate Member of the Council of Europe. Any country so invited shall become an Associate Member on the deposit on its behalf with the Secretary-General of an instrument accepting the present Statute. An Associate Member shall be entitled to be represented in the Assembly only.
- b. The expression " Member " in this Statute includes an Associate Member, except when used in connection with representation on the Committee of Ministers.

Article 6

Before issuing invitations under Articles 4 or 5 above, the Committee of Ministers shall, with the approval of the Assembly, such approval to be by a simple majority,¹² determine the number of Representatives to the Assembly to which the proposed Member shall be entitled.

Article 7

Any Member of the Council of Europe may withdraw by formally notifying the Secretary-General of its intention to do so. Such withdrawal shall take effect at the end of the financial year in which it is notified, if the notification is given during the first nine months of that financial year. If the notification is given in the last three months of the financial year, it shall take effect at the end of the next financial year.

Article 8

Any Member of the Council of Europe which has

- a. violated the provisions of Article 3, or
- b. been suspended from its rights of representation under the provisions of Article 44 (d) ¹³ may be requested by the Committee of Ministers to withdraw under Article 7. If such Member does not comply with this request, the Committee may decide that it has ceased to be a Member of the Council from such date as the Committee may determine.

Article 9

The Committee of Ministers may suspend the right of representation on the Committee and on the Assembly of a Member which has failed to fulfil its financial obligation during such period as the obligation remains unfulfilled.

CHAPITRE III - Dispositions générales

Article 10

The organs of the Council of Europe are :

1. The Committee of Ministers;
2. The Assembly;
3. The Standing Group¹⁴

10. [Doc. 87](#) (1949), Part B, adopted by the Assembly 6th September, 1949 (88 votes to 0, with no abstentions) Renewed in Recommendation 51, adopted by the Assembly, 18th August, 1950 (94 votes to 0, with 12 abstentions). Renewed in Recommendation 54, adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 16 abstentions). Accepted by the Committee of Ministers at its Eighth Session 2nd-4th May, 1951. [[Doc. 18](#) (1951), Section II, Part 3 A].

11. This change should be considered in relation to. Article 44 [d].

12. This change should be considered in relation to. Articles 4 and 5.

13. This change should be considered in relation to. Article 44 [d].

4. The Joint Committee;¹⁵
5. Executive Agencies. ¹⁶

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

Article 11

The Seat of the Council of Europe is at Strasbourg.

Article 12

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

CHAPTER IV - Committee of Ministers

Article 13¹⁷

Each Member shall be entitled to one vote in the Committee of Ministers. The representatives on the Committee shall be the Minister for Foreign Affairs and the Minister for European Affairs referred to in Article 14. When neither of these Ministers can be present, or in other circumstances where it may be desirable, an alternate may be nominated, who shall, whenever possible, be a Member of the Government.

Article 14¹⁸

Every Member of the Council of Europe shall nominate a Minister, Secretary or Under-Secretary of State, who, without prejudice to the responsibility of the Minister of Foreign Affairs, shall co-ordinate all matters relating to the Council of Europe.

Article 15

- a. On the recommendation of the Assembly, or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of Conventions or Agreements and the adoption by Governments of a common policy with regard to particular matters. Its conclusions shall be communicated to Members by the Secretary-General.
- b. In appropriate cases, the conclusions of the Committee may take the form of recommendations to the Governments of Members, and the Committee may request the Governments of Members to inform it of the action taken by them with regard to such recommendations.

Article 16

The Committee of Ministers shall, subject to the provisions of this Statute, decide, with binding effect, all matters relating to the internal organization and arrangements of the Council of Europe. For this purpose the Committee of Ministers shall adopt such financial and administrative regulations as may be necessary.

Article 17

The Committee of Ministers may set up advisory and technical committees or commissions for such specific purposes as it may deem desirable.

Article 18 .

The Committee of Ministers shall adopt its rules of procedure, which shall determine amongst other things :

1. the quorum;
2. the method of appointment and term of office of its President;

14. This change should be considered in relation to Chapter Nine.

15. This change should be considered in relation to Chapter Eleven.

16. This change should be considered in relation to Chapter Twelve.

17. This change should be considered in relation to Article 14.

18. Recommendation 9, adopted by the Assembly 18th August, 1950 (94 votes to 0, with 12 abstentions). Renewed in Recommendation 54, Section 5, adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 16 abstentions).

3. the procedure for the drawing up of its Agenda, including the giving of notice of proposals for resolutions, and
4. the notifications required for the nomination of alternates under Article 13.

Article 19

At each Session of the Assembly the Committee of Ministers shall furnish the Assembly with a statement of its activities, accompanied by appropriate documentation.

Article 20

- a. Resolutions of the Committee of Ministers relating to the following important matters, namely :
 1. Recommendations for the amendment of Articles 7, 15, 20, 22, 41 to 45 and 62;
 2. Questions under Articles 21 (a) (i) and (6), and
 3. Approval of a Convention under Article 41 (h).require the unanimous vote of the Members casting a vote, and of a majority of the Members entitled to sit on the Committee.¹⁹
- b. Questions arising under the rules of procedure or under the financial and administrative regulations may be decided by a simple majority vote of the Members entitled to sit on the Committee.
- c. Resolutions of the Committee under Articles 4 and 5 require a two-thirds majority of all the Members entitled to sit on the Committee.
- d. All other Resolutions of the Committee require a two-thirds majority of the representatives casting a vote and a majority of the Members entitled to sit on the Committee.²⁰

Article 21

- a. Unless the Committee decides otherwise, meetings of the Committee of Ministers shall be held;
 1. in private;
 2. at the Seat of the Council.
- b. The Committee shall determine what information shall be published regarding the discussion that has taken place and the conclusions that have been reached at a meeting held in private. Notwithstanding the provisions of this paragraph each Member of the Committee of Ministers shall be entitled to make known his attitude in the Committee concerning any draft Convention transmitted to the Committee of Ministers by the Assembly.²¹
- c. The Committee shall meet before each Session of the Assembly and at such other times as it may decide.

CHAPTER V - The Assembly

Article 22²²

- a. The Assembly is the deliberative organ of the Council of Europe. It may deliberate upon all matters included in the aims of the Council of Europe as set forth in this Statute. The Assembly shall determine its own Agenda.
- b. The Assembly may pass Motions, make Recommendations, draft Conventions, and give its opinion upon any matter within its aim and scope, as defined by this Statute.
- c. The Assembly may pass Motions, make Recommendations, draft Conventions, and give its opinion upon any matter within its aim and scope, as defined by this Statute.

19. This change should be considered in relation to Chapter Eight, cf. Recommendation 54, Section 4 (6) , adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 16 abstentions).

20. Resolution 12, adopted by the Assembly, 28th August, 1950 (87 votes to 1, with 9 abstentions). Renewed in Recommendation 54, Section 4 (6).

21. This change should be considered in relation to Chapter Eight, cf. Recommendation 54, Section 4. (c).

22. Doc. 87(1949), Part B, adopted by the Assembly, 6th September, 1949 (88 votes to 0, with no abstentions). Renewed in Recommendation 51, adopted by the Assembly, 18th August, 1950 (94 votes to 0, with 12 abstentions). A different wording (Article 23) approved by the Committee of Ministers at its Eighth Session 2nd-4th May, 1951 [Doe. 18. (1951) Section II, Part 1] ; approved by the Assembly 15th May, 1951 ; came into force 22nd May, 1951 under the provisions of Article 41 (d) of the present Statute.

Article 23

The Assembly may establish Committees or Commissions to consider and report to it on any matter which falls within its competence under this Statute. The Assembly may receive and discuss reports submitted to it under the provisions of Chapters Six and Seven of the Statute and may make Recommendations in respect thereof.²³

Article 24

- a. Representatives to the Assembly shall be elected by their respective Parliaments, in accordance with a procedure fixed by the latter. When the Parliament is not in session, and has not laid down the procedure to be followed in that event, each Member Government may make such additional appointments as are necessary.²⁴
- b. Each Representative must be a national of the Member whom he represents.
- c. No Representative shall be deprived of his position as such during a Session of the Assembly without the agreement of the Assembly.
- d. Each Representative may have a Substitute, who may, in the absence of the Representative, sit, speak and vote in his place. The provisions of this Article shall apply to the appointment of Substitutes.

Article 25²⁵

- a. Members are entitled to the number of Representatives given below :

*Belgium*²⁶

Denmark

France

Germany

Greece

Iceland

Ireland

Italy

Luxembourg

Netherlands

Norway

Saar

23. This change should be considered in relation to Chapters Six and Seven.

24. Recommendation 12, adopted by the Assembly, 18th August, 1950 (94 votes to 0, with 12 abstentions). Renewed in Recommendation 54, Section 4 (d), adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 16 abstentions). A different wording [Article 25 (a)] approved by the Committee of Ministers at its Eighth Session 2nd-4th May, 1951 [Doe. 18 (1951), Section II, Part 1] ; approved by the Assembly, 15th May, 1951, came into force 22nd May, 1951 under the provisions of Article 41 (d) of the present Statute.

25. Doc. 87 (1949), Part B, adopted by the Assembly, 6th September, 1949 (88 votes to 0, with no abstentions), recommended : (i) " That the number of Representatives be doubled " (ii) " That the system of Substitutes be abolished. " [Omission of Article 25 (c) of the present Statute]. Since that date the system of Substitutes has proved valuable in order to maintain the quorum. The Assembly therefore adopted Resolution 6, 26th August, 1950, deciding : " To maintain the principle of the existence of Substitutes ". Apart from the considerations which led the Assembly to adopt the proposal for a 100 % increase in 1949, a substantial increase in the number of representatives is essential if the Council of Europe is to have Conventionmaking powers under the provisions of Chapter Eight and will be necessary if the Assembly's desire that Members of the Assemblies of the Specialized Authorities should be chosen from among the Members of the Strasbourg Assembly is to be realized. (Vide : Article 1 of the Protocol to the Treaty setting up the European Coal and Steel Community, signed in Paris 18th April, 1951, and the Second Protocol to the Draft for a New Statute).

26. The Committee, having considered a proposal of the Rapporteur whereby the number of Representatives would be increased by 50 % and the system of Substitutes maintained (making a total of some 380 Parliamentary representatives), adopted the following Resolution : The Committee, while considering that a substantial increase in the number of members was essential, did not take up a definite attitude as to allocation, since it considered that this matter fell within the competence of the Standing Committee, before whom it had come in the course of a previous Session of the Assembly. The Committee therefore requested the Standing Committee to study the question at its next meeting " .

Sweden

Turkey

United Kingdom of Great Britain and Northern Ireland ..

- b. Any modification of the provisions of paragraph (a) above shall be made by a two-thirds majority of the Committee of Ministers and a simple majority of the Assembly.

Article 26

The Assembly shall adopt its rules of procedure which shall determine inter alia :

- a. the quorum
- b. the manner of the election of the President and other officers ;
- c. the manner in which the Agenda shall be drawn up and be communicated to Representatives ; and
- d. the time and manner in which the names of Representatives and their Substitutes shall be notified;
- e. the manner of election and term of office of the Standing Committee.²⁷

Article 27

- a. The Assembly shall elect a President and its Vice-Presidents, who shall remain in office from the beginning of the First Session in any year until the beginning of the First Session in the succeeding year.
- b. The President of the Assembly shall at the same time be the Chairman of the Standing Committee of the Assembly.
- c. When the President is controlling the proceedings of the Assembly, he shall not take part in the Debate or vote, but the Substitute of the President may sit, speak and vote in his place.

Article 28

- a. The Assembly shall meet in ordinary Session twice²⁸ a year, the dates and duration of which Sessions shall be determined by the Assembly so as to avoid as far as possible overlapping with parliamentary sessions of Members and with sessions of the General Assembly of the United Nations.
- b. The Assembly may be convened in extraordinary Session upon the initiative either of the Committee of Ministers or of the President of the Assembly after agreement between them, such agreement being required also to determine the date and place of the Sessions.²⁹

Article 29

Subject to the provisions of Articles 41 (c), 42 (c), 43 (c), 45 (a), 56 and 62, adoption of all Resolutions and Recommendations of the Assembly shall require a simple majority of the Representatives casting a vote..

Article 30

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

Article 31

Ordinary Sessions of the Assembly shall be held at the Seat of the Council unless the Assembly and the Committee of Ministers concur that it should be held elsewhere.

CHAPTER V I ³⁰

27. This change should be considered in relation to Chapter Ten.

28. (i) Motion submitted by Mr. Macmillan, 17th August, 1949, [Doc. Y (1949) ; vide page 131, Working Papers of the First Ordinary Session]; (ii) Motion submitted by MM. Reynaud, Bidault, Bonnefous, de Moustier, Bardoux, Gaillard, Jacini, Foster, de Menthon, Mackay, Boggiano Pico, do F e l i c e ; 10th August, 1950 [Doc. 45(1950)].

29. Doc. 87(1949), Part B, adopted by the Assembly unanimously, 6th September, 1949. Renewed in Recommendation 13, adopted by the Assembly, 18th August, 1950 (94 votes to 0, with 14 abstentions). Renewed in Recommendation 54, Section.3, adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 16 abstentions). The t e x t of this Article 28 (b) was approved by the Committee of Ministers at its Eighth Session 2nd-4th May, 1951 (Doc. 18, Section II, Part I, Article 34); approved by the Assembly, 15th May, 1951 and came into force 22nd May, 1951, under the provisions of Article 41. (d) of the present Statute (Article 34).

30. Chapter Six is closely modelled upon the proposals of M. La Malfa (Doc. 152 (1950)).

Consultation

Article 32

- a. Members shall consult with one another on matters of common concern which fall within the competence of the Council of Europe, should they consider them to be likely to be conducive to the achievement of the aims of the Council of Europe. Such consultation shall take place at each meeting of the Committee of Ministers.
- b.
 1. Any initiative taken or draft Agreement made by any Member with other Members and falling within the competence of the Council of Europe shall be transmitted to the Committee of Ministers, should the State in question consider it to be likely to be conducive to the achievement of the aims of the Council of Europe.
 2. Any initiative taken or draft Agreement made by any Member with other Members and falling within the competence of the Council of Europe shall be transmitted to the Committee of Ministers, should the State in question consider it to be likely to be conducive to the achievement of the aims of the Council of Europe.³¹

Article 33

Every Treaty and International Agreement concluded by one or more Members on subjects within the competence of the Council of Europe shall be registered with the Secretariat-General and published under its authority..

Article 34

The Council of Europe may consult any intergovernmental organisation, establish an organic connection with any of them, and conclude agreements defining the terms upon which such organisations shall be brought into relationship with the Council of Europe.³¹

Such agreements must be approved both by the Assembly and by the Committee of Ministers.

CHAPTER VII ³²

Specialised Authorities

Article 35

The creation within the framework of the Council of Europe of institutions upon which the participating States confer definite powers within a clearly specified field is recognised as being in accordance with the spirit and purpose of this Statute, even if all Member States are not parties thereto. Any such institution shall be called a Specialised Authority.

Article 36

The initiative for setting up any such Specialised Authority may be taken either by the Council of Europe or by one or more Member States.

Article 37

- a. If, under the provisions of Article 36 one or more Member States initiate negotiations for the creation of a Specialised Authority, these negotiations shall be open to all Members of the Council of Europe.

31. Recommendation 16, adopted by the Assembly, 18th August, 1950 (94 votes to 0, with 12 abstentions). Renewed in Recommendation 55, adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 16 abstentions). Adopted by the Committee of Ministers, but with different wording, at its Eighth Session, 2nd-4th May, 1951 [Doc. 18 (1951), Section II, part 3 D].

32. The Chapter is an exact reproduction of the recommendations contained in the Report of the Committee on General Affairs on Specialised Authorities [Doc. 13 (1951)], which reflects the wishes of the Assembly as laid down in Recommendations 1, 4, 5, 6, 7 and 8 (adopted August, 1950), and in Recommendations 52 and 53 (adopted November, 1950). This Report on Specialised Authorities should be considered by the Assembly at the same time as Chapter Seven. The Resolution adopted by the Committee of Ministers concerning Specialised Authorities at its Eighth Session, 2nd-4th May, 1951 [Doc. 18 (1951), Section 1] was considered by the Assembly to be unsatisfactory. [Reply to the Report and Message of the Committee of Ministers, Doc. 57(1951) paragraph 5].

- b. The object, functions and general principles of any such Specialised Authority shall be communicated to the Committee of Ministers with a view to associating the Council of Europe as a whole in its establishment, and, subsequently, of integrating within the Council of Europe the relevant organs of administration and control.
- c. No limitations shall be placed on the right of any Member State not originally a Member of such a Specialised Authority subsequently to accede thereto.

Article 38

Each Specialised Authority shall submit regular reports on its activities to the Council of Europe.

The Council of Europe shall transmit its comments on such reports to the Specialised Authorities.

Article 39

Each Specialised Authority shall make available facilities for the exchange of information, documents and statistical data with the Council of Europe.

Article 40³³

The Council of Europe shall co-ordinate the work of the Specialised Authorities brought into relationship with the Council of Europe, in accordance with the foregoing provisions, by holding joint discussions and by submitting recommendations to them, as well as by forwarding recommendations to Member Governments..

The Specialised Authority shall inform the Council of Europe of action taken in respect of such recommendations.

CHAPTER VIII³⁴

Convention-making

Article 41

- a. Convention of the Council of Europe shall be made when approved by the Committee of Ministers and the Assembly in accordance with the provisions of this Statute.
- b. In the case of the Committee of Ministers a Convention shall be approved only by the unanimous vote of the Members of the Committee casting a vote and of a majority of the Members entitled to sit on the Committee.
- c. In the case of the Assembly a Convention shall not be approved except by a vote or not less than two-thirds of the Representatives casting a vote
- d. A Draft Convention of the Council of Europe may originate in either the Committee of Ministers or the Assembly.

33. The Second Protocol to the draft for a new Statute should be considered at the same time as Article 40.

34. (a) Resolution of the Assembly, adopted unanimously, 6th September, 1949 [Doc. 87(1949), Part A, Section I and Section III, paragraph 8]. (b) Principle of decisions taken by the Committee of Ministers being binding upon Member States, Recommendation 10, adopted by the Assembly, 18th August, 1950 (94 votes to 0, with 12 abstentions). cf. Resolution 21, adopted by the Assembly, 23rd November, 1950. (c) Principle of reference back to national parliaments of draft Conventions, Recommendation 14, adopted by the Assembly, 18th August, 1950. cf. : (i) Motion submitted by Mr. Macmillan, Sir David Maxwell Fyfe, Sir Ronald Ross, Mr. Boothby and Mr. Ecoles [Doc. F (1949), Section 7; vide p. 109, Working Papers of the First Ordinary Session]. (ii) Resolution 4, adopted by the Assembly, 18th August, 1950. (d) Principle of obligation of Representatives to support Recommendations of the Assembly for which they had voted, Resolution 10, Sections (iii) and (iv), adopted by the Assembly, 28th August, 1950 (87 votes to 1, with 9 abstentions). (e) 23rd November, 1950, the Assembly adopted the following Recommendation (Recommendation 54) by 73 votes to 7, with 16 abstentions : " The Assembly, " Submit s to the Committee of Ministers with a view to transmitting them to the Joint Committee mentioned above, or failing that, to the Committee of Senior Officials : (a) the Resolution in Appendix I) C ^ i ? 5 <? (b) the Draft Protocol in Appendix II) \ ^ggQj for further consideration and detailed examination; " Instruct s a Committee of Seven Members, nominated b y the BUreau, to examine the texts contained in Appendices I and II; to decide their final form; to present t h em before the Joint Committee mentioned above; and authorises the said Committee to forward immediately to the Governments concerned, for their information, the final texts decided upon, and to take all necessary steps to secure their acceptance. " [Minutes of the Twenty-Eighth Sitting, Second Part of the Second Ordinary Session', pages 58-59;. (/) The Special Committee of Seven [Members : Sir David Maxwell Fyfe (Chairman) ; MM. Azara, Bohy, Mackay (Rapporteur), Schmid and Schumann, Mlle. Klompé] met in December, 1950

Article 42

- a. A Draft Convention originating in the Assembly, and approved by it, shall be transmitted to the Committee of Ministers, who may approve it in accordance with this Statute either in its original form or with amendments, or withhold approval thereof.
- b. If such Draft Convention is approved by the Committee of Ministers, as required by this Statute, in the form in which it was transmitted by the Assembly to the Committee of Ministers, it shall thereupon become a Convention of the Council of Europe.
- c. Should the Committee of Ministers wish to approve the Draft Convention in an amended form, it shall refer the Draft to the Joint Committee, which shall draw up amendments. The amended Draft shall be submitted to the Assembly, which may either adopt it, in accordance with the provisions of Article 41. (c), or reject it. If adopted by the Assembly the amended Draft shall then be transmitted to the Committee of Ministers, which may either adopt it or reject it, in accordance with the provisions of Article 41 (b)

Article 43

- a. A Draft Convention originating in the Committee of Ministers, and approved by it, shall be transmitted to the Assembly, who may approve it in accordance with this Statute either in its original form, or with amendments; or withhold approval thereof.
- b. If such Draft Convention is approved by the Assembly in accordance with this Statute in the form transmitted to it, it shall thereupon become a Convention of the Council of Europe.
- c. Should the Assembly by a two-thirds majority of the Representatives to the Assembly casting a vote wish to approve the said Draft in an amended form, it shall refer the Draft to the Joint Committee, which shall draw up amendments. The amended Draft shall be submitted to the Committee of Ministers, which may either adopt it, in accordance with the provisions of Article 41 (b), or reject it.

Article 44

- a. A Convention approved in accordance with the provisions of Article 41 shall be communicated by the Secretary-General to the President of each House of Parliament in the Member States³⁵. Such Convention shall bind Member States upon ratification. A Convention shall be deemed to have been ratified by each Member State if no Resolution to the contrary has been passed by the Parliament of that State within a period of six months from the date of communication of the Convention.
- b. When a Convention has been ratified in accordance with the provisions of paragraph (a) of this Article, all the terms and provisions of the Convention shall become terms and provisions of the municipal law of the Member State ratifying the same so long as it remains a Convention of the Council of Europe.
- c. In order to implement the provisions of this Article, each Convention shall contain the clause set out in the Third Protocol to this Statute.³⁶
- d. The Committee of Ministers may suspend representation in the Committee of Ministers and in the Assembly of a Member which in the view of the Committee of Ministers has failed to fulfil its undertaking under paragraph (b) of this Article, during such period as the undertaking remains unfulfilled.

Article 45

1. The repeal of a Convention of the Council of Europe may take place following a decision to that effect by a majority of two-thirds of the Committee of Ministers and of the Assembly.
2. This repeal may be authorised for one or more or for all Member States of the Council of Europe.
3. No Convention of the Council of Europe may be repealed by one or more Member States unless such repeal is authorized in accordance with the provisions of paragraph (a) of this Article.

CHAPTER IX - The Standing Group

35. In the case of Great Britain, Conventions would be communicated to the Prime Minister as well as to the Lord Chancellor and to the Speaker.

36. The Third Protocol to the Draft for a New Statute should be considered at the same time as Article 44 (c).

Article 46

- a. The Standing Group of the Committee of Ministers shall consist of the representatives of seven Member States appointed each year by the Committee of Ministers. Subject to the provisions contained in Article 13, the representatives in the Standing Group shall be Ministers for European Affairs.
- b. The Standing Group shall carry out its functions under the instructions of the Committee of Ministers and shall be responsible to that body.

Article 47³⁷

Any Member entitled to a representative on the Committee of Ministers but which is not represented on the Standing Group may take part in all the discussions of the Standing Group on any item which especially affects the interests of that Member.

Article 48

The Standing Group shall take decisions by a two-thirds majority.

CHAPTER X - The Standing Committee

Article 49

The Standing Committee is the organ of the Assembly entrusted with the task of ensuring between Sessions the continuity of action of the Assembly.

Article 50

The Standing Committee shall nominate from among its members a Steering Committee consisting of the President of the Assembly and six other Representatives

The Steering Committee represents the Assembly within the Standing Committee and acts on its behalf between Sessions, in accordance with the instructions of the Assembly and the Standing Committee.³⁸

Article 51

The Rules of Procedure of the Assembly shall provide for the composition and Rules of Procedure of the Standing Committee, and for the Rules of Procedure of the Steering Committee.

CHAPTER XI³⁹

The Joint Committee

Article 52

The Joint Committee is the organ of co-ordination of the Council of Europe. Without prejudice to the respective rights of the Committee of Ministers or of the Assembly, the functions of the Joint Committee shall be, in particular :

- a. to examine the problems which are common to the other two organs
- b. to draw the attention of those two organs to those questions which appear to be of particular interest to the Council of Europe;
- c. to make proposals for the draft Agenda of the Sessions of the Committee of Ministers and of the Assembly;
- d. to examine and promote means of giving practical effects to the Recommendations adopted by one or other of those two organs;
- e. to draw up amendments to draft Conventions in accordance with the provisions of Articles 42 (c) and 43 (c) of the Statute.

37. This Article is modelled upon the wording of Article 16 (c) of the O.E.E.C. Convention.

38. In the Committee's opinion the Steering Committee should meet frequently, for instance ten times in the course of a year.

39. Apart from Articles 52 (e), 53 (a) and 54 (b), this Chapter is identical with the Resolution adopted by the Committee of Ministers at its Eighth Session, 2nd-4th May, 1951 [Doc. 18 (1951) Section II, Part 3 C], cf. Resolution 12, adopted by the Assembly, 26th August, 1950, approving the agreement reached by the "ad hoc" Joint Committee 18th May, 1950.

Article 53

- a. The Joint Committee shall be composed of fourteen Members, seven of whom shall be the Standing Group of the Committee of Ministers, and seven of whom shall be the Steering Committee of the Standing Committee of the Assembly.
- b. The Secretary-General shall be entitled to attend the meetings of the Joint Committee in an advisory capacity..

Article 54

- a. The conclusions of the Joint Committee shall be reached without voting.
- b. The Joint Committee shall adopt its Rules of Procedure which shall, in particular, fix the quorum, the method of nominating its Chairman and the circumstances in which it shall be convened.

CHAPTER XII⁴⁰

Executive Agenciéstifs

Article 55

The Committee of Ministers shall be responsible for the executive tasks entrusted to the Council of Europe under the provisions of this Statute (and, more particularly, under the provisions of the First Protocol thereto); and for such executive tasks as may subsequently be entrusted to it under the provisions of any Convention of the Council of Europe.

Article 56

In order to implement the provisions of Article 55, the Committee of Ministers shall, with the approval of the Assembly, obtained under the conditions laid down in Article 41 (c), delegate the necessary powers to Executive Agencies under its control, which shall also report to the Assembly.

CHAPTER XIII - *The Secretariat*

Article 57

- a. The Secretariat, shall consist of a Secretary- General and such Deputy Secretaries-General ⁴¹ and other staff as may be required.
- b. The Secretary-General and Deputy Secretaries- General⁴² shall be appointed by the Assembly on the recommendation of the Committee of Ministers.
- c. The remaining staff of the Secretariat shall be appointed by the Secretary-General, in accordance with the administrative regulations.
- d. No member of the Secretariat shall hold any salaried office from any Government or be a member of the Assembly or of any national legislature or engage in any occupation incompatible with his duties..
- e. Every member of the staff of the Secretariat shall make a solemn declaration affirming that his duty is to the Council of Europe and that he will perform his duties conscientiously, uninfluenced by any national considerations, and that he will not seek or receive instructions in connection with the performance of his duties from any Government or any authority externa] to the Council and will refrain from any action which might reflect on his position as a European civil servant responsible only to the Council. In the case of the Secretary-General and the Deputy Secretaries-General this declaration shall be made before the Committee of Ministers and the Assembly and, in the case of all other members of the staff, in the presence of the Secretary-General.

40. cf. Motion s submitted 17th August, 1949, by : (i) Mr. Macmillan, Sir David Maxwell Fyfe and others [Doc. F (1949), Sections 4 and 5]; (ii) Mr. Macmillan [Doc. V (1949)]; (iii) M. Ruini and M. Cassimatis [Doc. X (1949)]. Vide Working Papers of the First Ordinary Session, pp. 109, 129 and 130 respectively.

41. Doc. 87 (1949) Part B, adopted by the Assembly unanimously 6th September, 1949. Accepted by the Committee of Ministers at its Second Session 3rd-5th November, 1949 [Doc. 8(1950), Section I, paragraph 8], but Statute not y e t amended to this effect.

42. cf. Motion s submitted 17th August, 1949, by : (i) Mr. Macmillan, Sir David Maxwell Fyfe and others [Doc. F (1949), Sections 4 and 5]; (ii) Mr. Macmillan [Doc. V (1949)]; (iii) M. Ruini and M. Cassimatis [Doc. X (1949)]. Vide Working Papers of the First Ordinary Session, pp. 109, 129 and 130 respectively.

- f. Every Member shall respect the exclusively supranational character of the responsibilities of the Secretary-General and the staff of the Secretariat, and not seek to influence them in the discharge of their responsibilities.

Article 58

- a. The Secretariat shall be located at the Seat of the Council.
- b. The Secretary-General is responsible to the Committee of Ministers and to the Assembly for the work of the Secretariat. He shall provide both bodies with such secretariat and other assistance as they may require.

CHAPTER XIV - Finance

Article 59

- a. The expenses of the Committee of Ministers, the Assembly, the Committees and SubCommittees of both bodies, the Standing Group, the Standing Committee, the Joint Committee, such Executive Agencies as may be set up under the Statute⁴³ and the Secretariat-General, as also any other common expenses, shall be shared between all Members in such proportion as shall be determined by the Committee of Ministers on the basis of the population of Members.
- b. The Assembly shall have a special Budget which shall be submitted annually by the Standing Committee to the Committee of Ministers. In the event of any disagreement between these two organs reference shall be made to the Joint Committee for a decision.
- c. The Secretary- General shall, after obtaining the opinion of the Joint Committee, submit each year the general Budget of the Council of Europe, including all other expenditure, for approval by the Committee of Ministers, in accordance with the conditions laid down in the financial regulations.

Article 60

- a. The Secretary-General shall each year notify the Government of each Member of the amount of its contribution. Each Member shall pay to the Secretary-General the amount of its contribution, which shall be deemed to be due on the date of its notification, not later than six months after that date
- b. The Secretary-General shall be responsible for defraying the expenses of the Council of Europe as enumerated in Article 59 (a) of this Statute.

CHAPTER XV - Privilege and Immunities*

Article 61

The Council of Europe, Members of the Committee of Ministers and Representatives to the Assembly, and members of the Secretariat-General shall enjoy in the territories of Member States such privileges and immunities as are necessary for the fulfilment of their functions. These immunities shall include immunity for all Representatives to the Assembly from arrest and all legal proceedings in the territories of all Members, in respect of words spoken and votes cast in the Debates of the Assembly or its Committees.

CCHAPTER XVI - Amendments

Article 62

- a. Proposals for the amendment of this Statute may be made in the Committee of Ministers or in the Assembly.
- b. Subject to the provisions of Articles 20 and 25, such amendments shall require, both in the Committee of Ministers and in the Assembly, a two-thirds majority of the Representatives entitled to sit in the Committee and in the Assembly respectively.
- c. The Committee of Ministers shall cause to be embodied in a Protocol such amendments as fulfil the provisions of paragraph (b) of this Article.
- d. An amending Protocol shall come into force when it has been signed and ratified on behalf of two-thirds of the Members.

43. Amendment consequential upon the adoption of the earlier Chapters.

- e. Notwithstanding the provisions of the preceding paragraph of this Article :
1. No amendment to Articles 7, 20, 21, 22 and 41-45 shall be considered until the expiry of the second Ordinary Session of the Assembly following the entry into force of this Statute;
 2. Amendments to Articles 23-31, 49-54, 59 and 60 which have been approved by the Committee of Ministers and by the Assembly, in accordance with the provisions of paragraph (b) of this Article, shall come into force on the date of the certificate of the Secretary-General, transmitted to the Governments of Members, certifying that they have been so approved.

C. Draft Order of the Assembly

The Assembly,

Considering that the proposed modifications of the present Statute of the Council of Europe, which are contained in the Draft for a new Statute, can enter into force only after ratification,

Considering however that certain of the provisions contained in Chapters Eight, Ten and Eleven, of the Draft for a new Statute are concerned solely with the internal regulation of the Assembly, and can therefore be implemented before the entry into force of the new Statute,

Instructs the Committee on Rules of Procedure and Privileges to take account of these provisions when drawing up the draft new Rules of Procedure which are at present under consideration.

First Protocol to the Council of Europe

Article 1

The Members of the Council of Europe signatory to the Convention for European Economic Co-operation undertake to enter into negotiations with the other signatory States in order to draw up provisions whereby the organizations created by virtue of the said Convention shall be merged with, the Council of Europe.⁴⁴

Article 2

The Members of the Council of Europe signatory to the Brussels Treaty undertake to take the necessary measures, in agreement with the other Members, whereby the social and cultural organizations created under the Brussels Treaty shall be merged with the Council of Europe..

Article 3

The Members of the Council of Europe who are parties to the European Customs Union Study Group undertake to take the necessary, measures, in agreement with the other Members, whereby the said Study Group shall be merged with the Council of Europe.

Second Protocol to the Statute of the Council of Europe

Specialized Authorities

Article 1

In cases where the organs of a Specialized Authority include an Assembly, the Council of Europe should pass a recommendation

- a. that the members of such Assemblies be selected wherever possible from Representatives to the Council of Europe⁴⁵;
- b. that such Assemblies shall hold their meetings at the Seat of the Council of Europe⁴⁶

Article 2

The Secretariat-General may be called Upon to provide the administrative staff of the Specialized Authorities.

Third Protocol to the Statute of the Council of Europe

Draft of Clause in good and due form for inclusion in Conventions of the Council of Europe

44. Recommendations 18 and 19, adopted by the Assembly, 18th August, 1950 (94 votes to 0., with 12 abstentions). Renewed in Recommendation 55, adopted by the Assembly, 23rd November, 1950 (73 votes to 7, with 16 abstentions). Renewed in Reply to the Report and- Message of the Committee of Ministers [Doc. 57(1951), paragraphs 2 a n d 3] adopted by the Assembly, 15th May, 1951 (64 votes to 2 with 5 abstentions)

45. cf. Article 1 of the Protocol to the Treaty setting up the European Coal and Steel Community, signed in Paris, 18th April, 1951.

46. Reply to the Report and Message of the Committee of Ministers. (Doc. 57 (1951) Section 5).

" I f

- a. by reason of the Constitution or legal system of a Member State the terms and provisions of this Convention do not ipso facto operate as terms and provisions of the municipal law of such Member State, or if,
- b. in order that the terms and provisions of this Convention shall operate as terms and provisions of the municipal law of such Member State it is necessary that legislation be enacted, or some other acts be performed by the appropriate organs of such Member State
 1. then, each Member State to whom the previous paragraphs apply shall take all necessary steps not already performed by it, so that
 2. all the terms and provisions of this Convention shall become terms and provisions of the municipal law of that State, and become binding upon the respective courts, judges and peoples thereof, and
 3. any law of any such State inconsistent with this Convention shall, to the extent of the inconsistency, become and remain null and void and of no effect.