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

Doc. 111
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Statute of the European Community

Communication

1. SECTION I - General Policy of the Council of Europe

1. The Assembly welcomed the flexibility introduced by the Committee of Ministers into its Rules of Procedure with a view to the conclusion of partial agreements. It took the View that the procedure thereby instituted, and in accordance with which the. Committee may unanimously decide that the abstention of a Member does not preclude the adoption of a proposal whose effect is limited to the Members voting in its favour, constituted appreciable progress. The Assembly has accordingly incorporated sub-paragraph 1 of the Resolution by the Committee of Ministers in Article 42 of the draft New Statute of the Council of Europe.

2. SECTION II - Revision of the Statute and General Functioning of the Council of Europe Distribution of seats in the Assembly

2. The Assembly examined separately the question of approving, in accordance with Article 41 (d) of the Statute, the Amendment adopted by the Committee of Ministers to Article 26 of the Statute. Following a Report by its Committee on General Affairs, it approved the Amendment transmitted to it by the Committee of Ministers in Doc. 74 (cf. Resolution 10 of the Third Ordinary Session).

3. SECTION III - Relations with International Organisations and with Non-Member States of the Council of Europe

3.1. CHAPTER I - Relations with International Organisations

(a) The International Labour Organisation

3. cf. paragraph 18 below.

(b) The United Nations Educational, Scientific and Cultural Organisation.

4. cf. paragraph 20 (a) (iii) below.

3.2. CHAPTER 2 - Relations with non-member States of the Council of Europe

5. Following a decision taken by the Assembly, in agreement with the Committee of Ministers, a conference between a delegation of the Congress of the United States and a delegation of the Consultative Assembly of the Council of Europe took place at Strasbourg from 19th to 23rd November, 1951. It is not too much to say that this conference had a considerable repercussion upon public opinion in the Western World. The completely frank atmosphere in which the debate took place enabled an extremely profitable exchange of views to be held on problems of common interest, resulting in a better understanding of the respective viewpoints. The Assembly was therefore unanimous in expressing the hope that the contacts established during this initial meeting might be renewed from time to time.

4. SECTION IV

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

5.1. CHAPTER 1

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5.2. CHAPTER 2 - Economic Questions

5.2.1. (a) Public Declaration adopted by the O.E.E.C. on 29th August, 1951.

6. In May last the Assembly expressed the hope that the O. E. E. C. would be able to deal fully in its second Report with the economic effects of rearmament. But it is not possible for it to do this except in general terms, until the Committee of N. A. T. O . which is examining the rearmament programmes and their relation to the capacity of production and the general economy of the various Member countries, has disclosed and analysed the facts.

It notes with interest, however, that the Council of the O. E. E. C , in the Declaration of the 29th August, expressed the opinion that if the total production in Western Europe can be expanded by 25 % over the next five years, an improvement in living standards and further social progress can be achieved in addition to meeting the requirements of defence.

This is an encouraging statement. But it certainly gives no ground for complacency— particularly as the increase of production in Western Europe is for a number of reasons slowing down. Unless the causes of this check to the rate of recovery are widely understood there is real danger that it may be taken for granted that, though we may have to wait a little longer, expanding production will in due course meet all our needs. It is important that the people of Western Europe should realise that a 25 % increase can only be reached by most strenuous efforts on their part and that very exceptional measures will be needed to remove the basic causes that are likely to limit the expansion of production which the O. E. E. C. is calling upon Europe to make.

The most serious of these limitations is the fact of insufficient sources of power and, in particular, inadequate coal production. The situation is clearly serious when we see countries like Great Britain and Germany, who normally export coal,. buying coal for dollars on a very large scale. It may also be asked whether there is not a way out of the economic, financial and political difficulties which at the moment are responsible for the fact that Britain is importing semifinished steel from the United States while Belgium and Germany are sending steel to that country and that German steel production is still limited and some of her best natural sites inactive.

If these and other obstacles are to be overcome, the working population must be given a clearer indication of what is needed. Past experience shows that statistical targets of this type are often very wide of the mark, and in any case a target which is expressed in general terms means very little to the worker in the factory or on the farm. It would help to attain the desired objective if the O . E. E. C. would proceed as quickly as possible to establish separate production targets for the major sectors of industry and for the chief countries concerned. In this connection the Assembly is of the opinion that representatives of the industries concerned should participate in the discussion and the determination of those targets.

5.2.2. (b) O. E. E. C. Progress Report.

7. The Assembly notes with satisfaction the closer relations that have been established during the past year with the O. E. E. C. and it expresses its thanks to the Minister who presented the Report to the Assembly for his courtesy in discussing a number of matters with its Economic Committee.

It also acknowledges with appreciation the assistance of the O. E. E. C. in briefing its delegation, which recently met a delegation from the American Congress, with information on the state of Europe.

These are very promising forms of collaboration which will be most helpful to both the O. E. E. C. and to the Assembly in the great tasks they have in common.

The Assembly is, however, strongly of the opinion that neither organisation will obtain the full benefit of their association until they are brought together in a common institution. The Assembly expressed its opinion on this question in Recommendation 18 of August, 1950. But the Committee of Ministers stated in their reply that the matter is not at the moment being pursued by them, as a Committee of O. E. E. C. has already been appointed on the proposal of the Swedish Government to consider this question. It hopes that the discussion will not be unduly prolonged and that the Committee of Ministers will use its influence to bring about the fusion of the two governing bodies which the Assembly has recommended.

5.2.3. (c) Full Employment.

8. The Assembly notes the Resolution of the Committee of Ministers inviting the Governments of Member States to declare their views on this subject before the 1st January 1952, expresses its desire to be kept continually informed of the national policies of every Member State in this field and draws the attention of the Committee of Ministers to Recommendation 10 adopted b y the Assembly on 5th December, 1951.

5.2.4. (d) Coordination of the Economies of Member States of the Council of Europe and Overseas Countries.

9. The views of the Assembly on this question are contained in the Report of the Committee on Economic Questions (Doc. 104), adopted on 11th December, 1951.

5.2.5. (e) Institution of a Raw Materials Resources and Purchasing Board.

10. Europe's effort during the past year has been seriously handicapped by the scarcity of raw materials which come to her from overseas, and by the excessive rise in their prices. The Assembly drew special attention to this problem in May last when it proposed the establishment of a Raw Material Resources and Purchasing Board for the two aims " of bringing down prices and stabilising commodity markets by all appropriate measures and of ensuring that allocations are made to its members both for stockpiling and for current use on the basis of fair shares and common strategy. "

This spring, however, an International Materials Conference was set up in Washington to carry out some of these aims, and the Committee of Ministers informed the Assembly that the O. E. E. C. would report on the success of this conference in doing so. It is recorded in the report presented to the Assembly b y O . E. E. C. during the second part of the Third Session that action taken to limit stockpiling early this year did, in fact, result in a substantial fall of prices though they are still far from normal. While successful action has been taken by the International Materials Conference in specific instances, it has not been organised in such a way as to bring about a general coordination of stockpiling or. of purchasing policy generally. The Assembly is of the opinion that more general action should be taken at an international level to prevent a further series of price rises brought about by competitive buying. It expresses the hope that the O. E. E. C. will be given the opportunity of representing the common interests of the European nations in a more effective manner than hitherto in the I. M. C.

There is also little hope of reaching the desired target unless full use is made of Europe's manpower. To this matter the O. E. E. C. report referred to above makes only a passing reference! It is, however, a matter of great importance. In one of the principal articles in the Convention setting up the O. E. E. C. the Contracting Parties undertake to make " the fullest and most effective use of their available manpower, " and for this purpose " they will co-operate in the progressive reduction of obstacles to the free movement of persons. " Unless greater progress is made in this direction the aim which the O. E. E. C. has set before Europe cannot be achieved.

Finally, if there is to be a 25 % expansion of European production it must include an appropriate increase in the means of transport. As in other fields this can be greatly facilitated by joint action, such as the setting up by stages of a pool of rolling stock, and the co-ordination of investment based on technical potentialities and the most economical kind of transport.

5.2.6. (f) European Patents Office.

11. The Assembly regrets that it cannot regard the statement by the Committee of Ministers as being wholly satisfactory.

Whereas the declaration contained in the Second Report gave the impression that the work of the experts was making satisfactory progress towards the aim agreed on, the Second Supplementary Report unfortunately indicates that the achievement of this aim is still very remote.

In these circumstances the Assembly urges the Committee of Ministers to include without delay in the agenda of the Committee of Experts due to meet in January, 1952 the question of the accession of Members of the Council of Europe to the International Institute at The Hague as it now exists.

5.2.7. (g) Cartels.

12. The Assembly, having noted the preliminary draft Convention on the control of international cartels drawn up by the Secretariat- General and communicated to all the Member Governments at the beginning of March, 1951, as stated in the Report of the Committee of Ministers (Doc. 5, para. 36), points out that this draft Convention is in pursuance of a Recommendation made by the Assembly in August 1949, and requests that the Committeo of Ministers should come to a decision on this matter without further delay.

5.3. CHAPTER 3 - Social Questions

13. The Assembly has taken note, with much interest, of Chapter 3 " Social Questions " of the Second Supplementary Report from the Committee of Ministers, in which it is stated that the Committee of Experts on Social Security was of the opinion that at its Fourth Session, 26th September, 1951, it should be possible to arrive at final conclusions concerning the European Code of Social Security.

The Assembly has, however, learnt, from a brief report of the meeting of the Committee of Experts on the 26th September, 1951, that the Committee decided to postpone the question until after the International Labour Conference of 1952, in view of the fact that that Conference is not only to take a final decision with regard to nominal standards, but is also to hold a preliminary discussion on advanced standards.

The Assembly wishes to express its disappointment that the solution of a matter of such importance should be postponed, since the Committee of Ministers itself has already sanctioned the preparation of a European Code of Social Security, the drafting of which has been recommended b y the Assembly.

The Assembly appreciates that, before a final draft of a European Code of Social Security can be prepared, it will be necessary for a European Labour Conference to be convened, and for the necessary preparatory work to be completed by the experts concerned.

The Assembly, therefore, considers it desirable that this preparatory work should be carried out immediately, on the basis of the documents regularly received b y the International Labour Office, and in close collaboration with the latter.

The Assembly accordingly requests the Committee of Ministers to instruct the Committee of Experts to that effect.

14. The Assembly notes with interest the preparation of the provisional multilateral agreements bearing on :

a. Equality of status of nationals of Member countries under social security legislation.

b. The extension to nationals of all Member States of bilateral and multilateral social security conventions concluded between two or more of such States.

The Assembly is in complete agreement with the abovementioned principles. It wishes to be kept informed of the results of the work of the Committee of Experts in connection with the provisional agreements.

The Assembly, however, recalls its Recommendation 29, adopted on 24th August, 1950, and wishes to reaffirm that its object is to render possible the extension to all Member States of the multilateral Convention on Social Security entered into by the Powers signatory to the Brussels Pact.

15. The Assembly notes with interest that steps have also been taken to extend to the Member States the multilateral Convention on Social and Medical Assistance concluded b y the Brussels Powers.

16. The Assembly regrets that the Committee of Ministers has taken no further steps with regard to Recommendation 31, adopted on 26th August, 1950, calling for the elaboration by a Committee of Experts of a common programme in the matter of housing, and recommending the establishment of a technical centre for the building industry.

It considers that the housing problem is of primary importance in present conditions, and that the Council of Europe, which has from the outset shown its interest in this subject, should conduct an enquiry as soon as possible into the possible means of relieving the housing shortage which at present exists in Member countries.

17. With regard to Recommendation 3, adopted on 14th May, 1951, concerning the creation of a European Manpower Office, the Assembly notes that after the Conferences on Migration which took place in 1951 in Naples and in Brussels, and as a result of the establishment of the Committee on Population and Refugees, the problem appears in a new perspective. Accordingly the Assembly once more ventures to draw the attention of the Committee of Ministers to the extreme importance and urgency of this problem.

18. The Assembly has taken note of the Agreement between the International Labour Organisation and the Council of Europe. It points out that this agreement was concluded without the Consultative Assembly having been consulted.

The Assembly expresses its disappointment at not having been authorised to give an opinion, all the more so in that certain provisions of this Agreement, especially those of Article 3 appear to be contrary to the views expressed in Recommendation 28 adopted by the Assembly on 24th August, 1950 : although the Consultative Assembly has always been most anxious to maintain the best possible relations with the International Labour Organisation, it cannot admit that in this field the Council of Europe should be dependent on decisions taken by that Organisation.

The Assembly notes that the Committee of Ministers has failed to take account of certain observations formulated in this connection, and regrets that the Committee of Ministers has thought fit to ignore them without consulting the Assembly and without submitting the question for discussion in the Joint Committee.

5.4. CHAPTER 4 - Refugees

19. The Assembly has taken note of Chapter 4, " Refugees, " of the Second Supplementary Report of the Committee of Ministers, and has studied with great interest the report from the Committee of Experts on the problem of Refugees and Over-Population.

In implementation of the suggestion made by the Committee of Ministers and the Committee of Experts, that a Committee on Population and Refugees should be established, the Assembly has appointed a new General Committee on Population and Refugees, which will be responsible for the tasks hitherto assigned to the Special Committee on Refugees and to the Sub-Committee on Migrant Workers of the Committee on Social Questions.

The other comments and proposals made by the Assembly in connection with this problem are embodied in Recommendation 13 on the problem of Refugees and Over-Population, adopted by the Assembly on 7th December, 1951.

5.5. CHAPTER 5 - Cultural Questions

20. The Assembly has taken note of the decisions of the Committee of Ministers (Docs. 18and 60, Section V, Chapter 5) relating to several of the Recommendations which it has adopted in the past, and approving the conclusions of the experts on the following subjects :—

a. Co-operation between the Council of Europe and UNESCO.

b. Creation of a cultural identity card for Member States.

c. Extension to the Member States of the Council of Europe of the achievements of the Permanent Commission of the Brussels Treaty Powers and the Scandinavian Cultural Alliance.

d. Organisation in May, 1951 of a short course on European Studies under the auspices of the University of Strasbourg with the moral and financial support of the Council of Europe.

The Assembly has also noted with satisfaction the progress made by the governmental experts at their meeting in November, 1951, especially with regard to the equivalence of diplomas leading to admission to universities.

The Assembly believes it should call the attention of the Committee of Ministers to the following questions which have already been the subject of Recommendations adopted by the Assembly, the results of which have not been communicated to the Assembly.

5.5.1. (a) Cultural Agreements.

21.

The cultural conventions concluded by various European States can and must be extended to all Member States of the Council of Europe. Notable progress has already been made; but the Assembly considers that negotiations now in train should be accelerated, that the implementation of conventions already concluded should be hastened and that bilateral conventions should be turned into multilateral agreements whenever possible.

The Assembly expresses satisfaction that the Secretariats of the Council of Europe and UNESCO are drawing up a formal agreement with the object of co-ordinating their cultural and scientific activities, but is of the opinion that it should be given, an opportunity of considering the pro- A'isions of the proposed agreement before it is finally approved.

The Assembly notes that six of the Member States of the Council of Europe have so far signed the multilateral Convention of UNESCO on the free circulation of educational, scientific and cultural material. This convention being one of signal importance, the Assembly would urge the Committee of Ministers to invite all Member Governments to adhere to it with a view to its immediate implementation.

5.5.2. (b) Teaching.

22. The Assembly has reviewed a number of Recommendations which it adopted unanimously and would request the Committee of Ministers :

to instruct the experts to co-ordinate as far as possible the schemes for educational reform at present in progress in some Member States and to direct this coordination along European lines,

to implement the draft agreement prepared b y the experts on the equivalence of diplomas,

to encourage the organisation by universities of short courses on European studies similar to that instituted by the University of Strasbourg in 1951,

to help found Chairs of European Studies for foreign professors who are specialists in these subjects,

to increase the number of scholarships and grants for students anxious to pursue or complete their studies in universities, seats of higher education and centres, of scientific research in the various Member States of the Council of Europe.

5.5.3. (c) European Cultural Centre and the College of Europe.

23. At its Session in 1950 the Assembly recommended that the Committee of Ministers should grant the patronage of the Council of Europe to the European Cultural Centre at Geneva and the College of Europe at Bruges, this patronage to take the form of a grant-in-aid, subject to the institutions concerned pursuing their activities strictly in accordance with the cultural role of the Council of Europe.

This conditions has been fulfilled in exemplary fashion by these two institutions the constitutions and programmes of which conform to the wishes of the Assembly.

The Committee of Ministers, at its meeting on the 4th May, 1951, expressed its willingness to give sympathetic consideration to the,possibility of concluding contracts for the execution of specific tasks. The two institutions are prepared to carry out such tasks as may be entrusted to them.

The Assembly urges the Committee of Ministers to request those Member States which intend to give effective support to the Council of Europe in cultural matters to grant their patronage and appropriate assistance to these two institutions which alone the Assembly has so far recommended as worthy of their support.

5.5.4. (d) Free access to artistic, literary and scientific treasures.

24. The Assembly would once more urge the Committee of Ministers to encourage bilateral and multilateral exchanges of original works of art and musical recordings and to arrange for microfilm reproductions of manuscripts and historical and scientific archives which are the property of the various States.

5.6. CHAPTER 6 - Convention for the Protection of Human Rights and Fundamental Freedoms

25. The Assembly has in its Recommendation 15 expressed its views on the subject of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms approved by the Committee of Ministers.

5.7. CHAPTER 7 - Legal and Administrative Questions

26. The Assembly wishes to make two comments of a general nature which apply to Chapter VII as a whole, and perhaps also to certain other chapters in the Second Supplementary Report of the Committee of Ministers.

The experience gained in the preparation of the Draft European Convention on Human Rights shows that it would be advisable to make certain alterations in the working methods of the Council of Europe, at least as far as work of a technical character is concerned. The system of having a Committee of Advisers or Government Experts, working separately, without sufficient contact with Committees or Working Parties of the Assembly (certain members of which may themselves legitimately claim to be Experts) is a source of delay, misunderstanding and disagreement.

Consequently, it would seem desirable that, henceforth, whether for the preparation of Draft Conventions, or for the removal of differences between the Assembly and the Committee of Ministers, Government Experts should be invited to attend the meetings of the working parties nominated by the Committee on Legal and Administrative Questions.

Such is the general conclusion reached, as a result of the examination by the Committee of Chapter 7.

5.7.1. (a) European Convention for the Reciprocal Treatment of Nationals.

27. The Assembly requests the Committee of Ministers to authorise the Secretary-General to communicate to its Committee on Legal and Administrative Questions the comments received from Governments of Member States on Draft Convention transmitted to them.

The Working Party of the Committee on Legal and Administrative Questions which prepared the Draft could then, in the light of the Governments' observations, revise the text at the meeting which it proposes to hold in January and communicate the revised text to the Government Experts who are to meet on 1st March, 1952. It would, indeed, be desirable that the Committee of Ministers, or the Ministers' Advisers should appoint a small number of Government Experts to take part in the meeting of the Working Party of the Committee on Legal and Administrative Questions to be held on January 3rd, 1952.

5.7.2. (b) System of Agreements relating to Civil Procedure.

28. In the opinion of the Assembly, paragraphs 37 to 39 of the Second Supplementary Report of the Committee of Ministers call for two comments :

First, the reference to decisions taken b y the Ministers' Advisers on behalf of thé Committee of Ministers, involving both the Committee of Ministers and the Assembly in a course of action which has been discussed b y the Committee of Ministers alone, is noted with surprise.

The second comment concerns the principle of concluding an agreement between the Council of Europe and the Hague Conference for the Unification of Private Law.

While recognising the value of this Institution, the Assembly could not subscribe to the terms of any agreement which would limit its own freedom of debate and decision.

Moreover, although it is fully prepared to make extensive use of the assistance of the Conference on Private International Law, it recalls that, with the full agreement of the Committee of Ministers, it has already established fruitful contacts with the Rome Institute for the Unification of Private Law which it would be unwise to break off.

5.7.3. (c) European Passport.

29. The Assembly notes that the question of the European passport, originally conceived as a possible means of ensuring freedom of movement on the territories of Members of the Council, has been transformed into a technical attempt to standardize the form and contents of passports issued by Members.

The Assembly requests the Committee of Ministers to return to the spirit of its initial recommendation. In this connection, it wishes to draw attention to the experiment of the Scandinavian Parliamentary Commission which, assisted by Government Experts, is preparing a convention to combine the territories of Norway, Denmark, Sweden, Iceland and, apparently, Finland into a single unit as for as entry and free movement, without any identity formalities whatever, on the territories of these countries is concerned.

It would seem appropriate that this example be followed, and a similar attempt be made within the wider framework of the Council of Europe.

5.7.4. (d) Peaceful settlement of disputes.

30. The Assembly requests the Committee of Ministers to authorise the Secretary-General to transmit the replies received from Governments to the Working Party of the Committee on Legal and Administrative Questions.

The Committee on Legal and Administrative Questions proposes to take these into account when it examines the question of the unification of jurisdictions already included in its Agenda.

5.7.5. (e) Relief from double taxation.

31. The Assembly takes note of the information given by the Committee of Ministers.

5.7.6. (f) European Postage Stamp.

32. In reply to the request by the Committee of Ministers contained in paragraph 45 of its Report (Doc. 60) the Assembly has expressed its views on this subject in its Resolution 6 and its Recommendation 9 concerning the establishment of a European Postal and Telecommunications Union.