



Parliamentary Assembly
Assemblée parlementaire

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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Doc. 545

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Role and working methods of the Council of Europe

Motion for a recommendation

Committee on Political Affairs and Democracy

Mr Karl MOMMER, Germany



A. Draft Recommendation

The Assembly,

Pursuing its efforts for effective cooperation between itself and the Committee of Ministers and for a more positive parliamentary contribution to the work of the Council of Europe;

Continuing to promote any step towards European unity which makes use of more effective means than those of intergovernmental cooperation;

Calling to mind the Special Message of the Committee of Ministers (Doc. 238 of 20th May 1954) containing a Programme of Work, which can only be executed in close collaboration with the Assembly;

Referring, in this connection, to its earlier proposals as expressed in Opinion No. 13, and to the Committee of Ministers' replies contained in Docs. 421 and 481;

Noting from these replies that most of the Assembly's views in this field have so far found no degree of acceptance by the Committee of Ministers,

Recommends that the Committee of Ministers re-examine the most important of its recommendations in this field, as listed below, with a view to accepting them.

1. The Committee of Ministers should abolish the first vote required for deciding whether abstention shall be permitted under the provisions of Resolution (51) 62 on partial agreements¹, and, when unable to accept a Recommendation of the Assembly even in the form of a partial agreement, should give a full explanation in the Statutory Report as to why it was unable to do so.

In Document 481 the Committee of Ministers noted the Assembly proposals on this subject and said it would examine the possibility of amending Resolution (51) 62 accordingly. The Assembly now calls for a specific undertaking on this point.

2. " The Assembly should be consulted each time one or more Governments decide to bring forward proposals of European interest falling within the mandate of the Council. " ²This consultation should take place sufficiently early in any given case to ensure t h a t the Assembly is not faced with irrevocable decisions on the part of Governments. Moreover, the consultation should be continuous, so that at every stage in the development of any project the Assembly's views can be taken account of.

In the Committee's reply to Opinion No. 13 (Doc. 481 of 3rd April 1956) the Ministers said that there could be no obligation to consult the Assembly on plans of a European character, though they thought that in appropriate cases the Assembly could at least be informed of such plans as soon as the Governments had reached preliminary agreement. Not only does this reply seem unsatisfactory to the Assembly (because of its conditional nature) but the Committee of Ministers has not, in fact, so far put into practice its offer to consult the Assembly " in appropriate cases ". The Assembly therefore repeats its request t h a t the Committee of Ministers should consult with and inform it in the manner indicated above.

The Assembly should be consulted " in advance on questions due to be discussed at meetings of world organisations " and would thus be enabled " to put forward a European point of view, which would then be defended by the Member Governments of the Council at such meetings ". ³

The Committee of Ministers has never given any reply to this proposal.

4. " The Committee of Ministers should authorise the Ministers' Deputies and the committees of experts to hear t h e Chairman and Rapporteur of any committee " ⁴ in considering Assembly Recommendations—and should take advantage of this facility particularly when the acceptance of an Assembly Recommendation presents certain difficulties to the Committee of Ministers.

Document 481 explained that the Committee of Ministers had already authorised contact, in certain cases, between Representatives of the Assembly and experts entrusted with the preparation of draft agreements or conventions. This implies acceptance only on an ad hoc basis of the principle of consulting Assembly

1. See paragraph 35, Opinion No. 13.

2. See paragraph 11, Opinion No. 13.

3. See paragraph 18, Opinion No. 13.

4. See paragraph 6, Opinion No. 12, Chapter I, Section A I I 1 .

committee chairmen and rapporteurs ; the Assembly feels that such hearings should be a standing procedure and should be the rule in those cases where difficulties arise such as are likely to lead to the rejection by the Committee of Ministers of a given Assembly Recommendation.

5. The Ministers' Deputies should keep the Assembly regularly informed of the progress of their work. Moreover, the Statutory Report of the Committee of Ministers to the Assembly should fully cover not only what the Committee had achieved in the period since the preceding Report, but also all those recommendations of the Assembly on which it had not been able to take any action.

B. Explanatory Memorandum presented by M. MOMMER, Rapporteur

1. This question arises from the general exchange of views between the Committee of Ministers and the Assembly contained in the Special Message of the Committee of Ministers (20th May 1954, [Doc. 238](#)), Opinion of the Assembly No. 13 (7th July 1955), the reply of the Committee of Ministers to that Opinion (3rd April 1956 [Doc. 481](#)) and the Communication from the Committee of Ministers on the role of the Council of Europe (14th October 1955, [Doc. 421](#)). These documents all express views on the role of the Council of Europe in the political field and put forward proposals on revised methods of work for the two organs of the Council for the better fulfilment of that role. Certain points have, during the exchange that has taken place so far, already been agreed upon between the Committee of Ministers and the Assembly, but a substantial majority of the recommendations of the Assembly as put forward in Opinion No. 13 have not received any degree of acceptance by the Committee of Ministers or even, in some cases, been examined.

2. When it was agreed at the end of the first part of the present Session of the Assembly that the Joint Committee should in future function at the level of Ministers' Deputies as well as at ministerial level it was hoped that a thorough discussion of, and positive action on, the Assembly's recommendations in this field would be able to take place through the machinery of that committee. At the Joint Committee meetings at Deputies' level on 4th June and 6th July 1956, the points still outstanding between the Assembly and the Committee of Ministers were accordingly raised again. No progress, however, was made in the discussions.

3. Anticipating, therefore, the possibility that it would prove impracticable to get all outstanding points discussed with the Committee of Ministers or the Ministers' Deputies in the reasonably near future, the Committee on General Affairs, during its meeting in Vienna from 13th-16th September, adopted the foregoing draft Recommendation in which five points are listed out of those still outstanding. These five points represent what it is hoped the Assembly will agree to be particularly vital matters, to which priority should be given for examination by, and discussion with, the Committee of Ministers.

4. At the most recent meeting of the Joint Committee at Deputies' level, on 1st October, Assembly Representatives informed the Ministers' Deputies that, while all the outstanding points were intended to remain open for discussion in the Joint Committee, the Committee of Ministers would be asked to give, as a matter of priority, special consideration to those points listed in the draft Recommendation. The Assembly is now asked to give its agreement on them.

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