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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Articles 13 and 37 of the provisional rules of procedure

Report
Rapporteur: Mr Herbert MORRISON, United Kingdom

1. REPORT

The Committee appointed to consider Article 13 of the Provisional Rules of Procedure of the Consultative Assembly in the light of Article 23 of the Statute of the Council of Europe, and to create a method for establishing Committees of the Assembly, without prejudice to any subsequent decisions taken by the Committee on Rules of Procedure and Privileges, have agreed to the following report:

1. The Committee considered the question of amending Article 13 of the Rules of Procedure and after hearing the opinion of the President of the Assembly, they succeed in arranging a meeting between him and the Committee of Ministers. As a result of this meeting, the President of the Assembly again appeared before the Committee with suggestions from the Committee of Ministers. The President reported direct to the Assembly, which itself approved the suggestions in principle for this Session of the Assembly, but the Committee believes that any necessary alterations of Article 13 should be considered by the proposed Committee on Rules of Procedure and Privileges and for that reason they have abstained from proposing detailed amendments to that Article.

2. As regards Article 37 of the Rules of Procedure the Committee is of the opinion that:

(a) six Committees should be established for the following subjects [1]:

1. Rules of Procedure and Privileges;
2. General Affairs;
3. Economic Questions;
4. Social Questions;
5. Legal and Administrative Questions;
6. Cultural and Scientific Questions;

(b) any two of these Committees should have power to meet jointly if they mutually wish to do so.

(c) these Committees should have power to appoint sub-Committees.

(d) the subjects recommended to the Committee of Ministers for inclusion in the Agenda of the Assembly, together with those referred to the Assembly by the Committee of Ministers could conveniently be distributed to the six Committees as follows:—

The Committee on General Affairs

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1. Two Members thought that the Committees should be limited to the four Committees mentioned in the Rules of Procedure; while two others wished that a Committee should be appointed to deal With the subject of Human Rights and fundamental freedoms.

Consideration of any necessary changes in the political structure of Europe to achieve a greater unity between the Members of the Council of Europe and' to make an effective European cooperation in the various spheres specified in Article 1 of the Statute.

The Committee on Economic Questions

Rôle of the Council of Europe in the Economic field, taking account, in accordance with Articles 1 (c) and 23 (b) of the Statute, of existing International Organisations.

Creation of a programme of major public works to be carried out collectively by member States.

Creation of a European Patents Office (the Committee should consult the Committee on Legal and Administrative Questions before submitting a report).

The Committee on Social Questions

Rôle of the Council of Europe in the field of social security (including such proposals as a European housing policy and the possibility of granting to individuals employed in other countries than their own the same rigths to social benefits as the nationals of those countries).

The Committee on Legal and Administrative Questions

Measures for the fulfilment of the declared aim of the Council of Europe in accordance with Article 1 o f the Statute in regard to the maintenance and further realisation of Human Rights and fundamental freedoms.

The progressive unification of the law of Member States with regard to the legal status of foreigners with the ultimate object of creating a common European nationality and a European passport.

The Committee on Cultural and Scientific Questions

Methods by which the Council of Europe can develop cultural cooperation between its Members.

technical development between the constituent countries of the Council of Europe and the maximum pooling of material resources and technical manpower for this purpose.

(e) that each Committee should consist pi fifteen Members [2].

(f) that the Representation of Members on each Committee should be according to the following scale [3]:

United Kingdom - 2

France - 2

Italy - 2

Turkey - 1

Belgium - 1

Netherlands - 1

Sweden - 1

Greece - 1

Norway - 1

Ireland - 1

Denmark - 1

Luxembourg - 1

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2. Four members look the view that the number should be 24 instead of 15.
3. The Committee decided to recommend this proposal by 10 votes to 3.

(g) that the method of election to the Committees should be nomination by the Representatives of Member States.

Provided that where the Representatives of a Member Slate are unable to agree as to which of them should serve on a Committee, the Assembly should then elect a Representative by ballot from those of the Member Slate in question, subject to the above scale [4].

A stron g minority opposed the proposal contained in sub-paragraph (g).

Three other methods of election were suggested:

a. By the Assembly as a whole without regard to national groupings;

b. By the Representatives of each Member State without appeal to the Assembly;

c. By the Representatives of each Member State, any disputes concerning election among the Representatives of a Member State to be decided jointly by this Committee and the Bureau.

The first of these suggestions [(a) above] received an equal number of votes for and against and was rejected by the Chairman.

3. In view of these various decisions, the Provisional Committee on Rules of Procedure, proposed that the text of Article 37 of the Rules of Procedure be amended as follows:

ART. 37

Establishment of Committees

"At the beginning of each ordinary Session the Assembly shall establish the following general Committees:

"Committee on Rules of Procedure and Privileges;

"Committee on General Affairs; "Committee on Economic Questions;

"Committee on Social Questions;

"Committee on Cultural and Scientific Questions;

"Committee on Legal and Administratives Questions.

"The Assembly may also decide to set up special Committees for specific purposes.

"Each Committee shall be composed of 15 Representatives.

"Any two or more Committees may hold joint meetings for the examination of subjects coming within their respective competence.

"A Committee may set up Sub-Committees composed of its own Members.

"Member States with 18 Representatives shall appoint two members for each Committee; other Member States shall appoint one member.

"These appointments shall be submitted to the Assembly for arbitration in cases of disagreement among the Representatives of Member States as to the appointment of Committee members."

Signed:

Morrison.

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4. Tw o members of the Committee did not agree to this recommendation.