

## **STATUTE OF THE COUNCIL OF EUROPE <sup>1</sup>**

signed at London on 5 May 1949, and amended in conformity with the Certificates of the Secretary General of the Council of Europe dated 22 May 1951, 18 December 1951, 4 May 1953, 30 May 1958, 3 November 1961, 6 May 1963, 24 May 1965, 14 October 1970, 17 February 1971, 9 December 1974, 2 October 1976, 9 January 1978, 20 January 1978, 27 November 1978, 16 November 1988, 5 May 1989, 6 November 1990, 21 February 1991, 26 November 1991, 7 May 1992, 15 January 1993, 14 May 1993, 30 June 1993, 7 October 1993, 10 November 1994, 10 February 1995, 13 July 1995, 9 November 1995, 28 February 1996, 6 November 1996, 27 April 1999, 25 January 2001, 24 April 2002, 3 April 2003, 5 October 2004, 11 May 2007 and 16 June 2015.

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Irish Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Kingdom of Sweden 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 civilisation;

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 realisation 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 organisation which will bring European States into closer association,

Have in consequence decided to set up a Council of Europe consisting of a Committee of representatives of Governments and of a Consultative (Parliamentary) Assembly<sup>2</sup>, and have for this purpose adopted the following Statute:

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1. In its Recommendation 1212 (1993) the Assembly presented a draft revised Statute of the Council of Europe to the Committee of Ministers. The revision of the Statute was on the agenda of the Conference of Heads of State and Government of Council of Europe member states in Vienna on 8 and 9 October 1993. The Committee of Ministers was instructed to adapt the Organisation's Statute as necessary for its functioning, having regard to the proposals put forward by the Parliamentary Assembly. The Committee of Ministers adopted in particular Statutory Resolutions (94)3 and (2000) 1 relating to the Congress of Local and Regional Authorities of Europe and took several decisions of an institutional character; these decisions are mentioned in footnotes to articles 9, 10, 20 and 38 of the Statute below. With respect to the reforms which occurred following the second Summit of the Council of Europe (10-11 October 1997) see the reply (Doc. 8480) of the Committee of Ministers to Assembly Recommendation 1212 and the document "Summary of Committee of Ministers' reflections on institutional matters" of 7 May 2001 (Doc. CM (2001) 72). See also Recommendation 1763 (2006) on Institutional balance at the Council of Europe (Doc. 11017 and Reply from the Committee of Ministers, Doc. 11222).

2. In July 1974 the Standing Committee decided that the name "Parliamentary Assembly" should be used in place of "Consultative Assembly" since it reflected more accurately the role and composition of the Assembly; in February 1994 the Committee of Ministers decided to use henceforth the name "Parliamentary Assembly" in all Council of Europe documents; see below the footnote to article 10 of the Statute.

## **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 realising the ideals and principles which are their common heritage and facilitating their economic and social progress.
- 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 in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation 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 organisations or unions to which they are parties.
- d.* Matters relating to national defence do not fall within the scope of the Council of Europe.

## **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 realisation of the aim of the Council as specified in Chapter I.

### **Article 4<sup>1</sup>**

Any European State which is deemed to be able and willing to fulfil the provisions of Article 3 may 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.

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1. See Statutory Resolution (51) 30, p. 16 below and Article 20 (c) below.

## **Article 5<sup>1</sup>**

*a.* In special circumstances, a European country which is deemed to be able and willing to fulfil the provisions of Article 3 may be invited by the Committee of Ministers to become an Associate Member<sup>2</sup> 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 Consultative (Parliamentary) 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 Article 4 or 5 above, the Committee of Ministers shall determine the number of Representatives on the Consultative (Parliamentary) Assembly to which the proposed Member shall be entitled and its proportionate financial contribution.

## **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<sup>3</sup>**

Any Member of the Council of Europe which has seriously violated Article 3 may be suspended from its rights of representation and 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 as 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 Consultative (Parliamentary) Assembly of a Member which has failed to fulfil its financial obligation during such period as the obligation remains unfulfilled.<sup>4</sup>

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1. See Statutory Resolution (51) 30, p. 16 below and Article 20 (c) below.

2. At present no country enjoys that status; it may be noted that contrary to Article 4, Article 5 refers to “country”. Indeed, the founding fathers of the Council of Europe thought of countries as not fully sovereign. The Saar (May 1950-1 January 1957) and the Federal Republic of Germany (July 1950-May 1951) were the only “countries” to benefit from Article 5 in its present wording.

3. See the Statutory Resolution (admission of new members) p. 16 below.

4. In November 1994 the Committee of Ministers agreed that, apart from exceptional circumstances having prevented a member state from fulfilling its obligation, Article 9 of the Council of Europe’s Statute will be applied to any state which has failed to fulfil all or a substantial part of its financial obligation for a period of two years.

## **CHAPTER III – GENERAL**

### **Article 10**

The organs of the Council of Europe are:

- i. the Committee of Ministers;
- ii. the Consultative (Parliamentary) Assembly<sup>1</sup>.

Both these organs shall be served by the Secretariat of the Council of Europe.<sup>2</sup>

### **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 Consultative (Parliamentary) Assembly shall determine in what circumstances and under what conditions other languages may be used.<sup>3</sup>

## **CHAPTER IV – COMMITTEE OF MINISTERS<sup>4</sup>**

### **Article 13**

The Committee of Ministers is the organ which acts on behalf of the Council of Europe in accordance with Articles 15 and 16.

### **Article 14<sup>5</sup>**

Each Member shall be entitled to one representative on the Committee of Ministers, and each representative shall be entitled to one vote. Representatives on the Committee shall be the Ministers for Foreign Affairs. When a Minister for Foreign Affairs is unable to be present or in other circumstances where it may be desirable, an alternate may be nominated to act for him, who shall, whenever possible, be a member of his Government.

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1. In July 1974 the Standing Committee decided that the name “Parliamentary Assembly” should be used in place of “Consultative Assembly” since it reflected more accurately the role and composition of the Assembly. On 24 September 1974 this decision was communicated to the Assembly which took formal note of it. Since 1990 practically all texts published by the Council of Europe or its organs refer to the “Parliamentary Assembly”. Recommendation 1212 (1993) of the Assembly on the adoption of a revised Statute of the Council of Europe proposes to validate this practice. In February 1994 the Committee of Ministers decided to use in future the denomination “Parliamentary Assembly” in all Council of Europe documents in conformity with the practice already followed in the recent statutory resolutions and in a certain number of conventions and recommendations adopted by the Committee of Ministers.

2. See also Statutory Resolution (2007) 6 relating to the setting up of the Congress of Local and Regional Authorities of the Council of Europe, p. 26below.

3. See Rules 28 to 30 of the Assembly’s Rules of Procedure.

4. See also the iGuide “Committee of Ministers - procedures and working methods”.

5. See also Resolution (89) 40 of the Committee of Ministers, item III, 17 (c) and Article 18 (iv) below.

## **Article 15**<sup>1</sup>

*a.* On the recommendation of the Consultative (Parliamentary) 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 Articles 24, 28, 30, 32, 33 and 35, relating to the powers of the Consultative (Parliamentary) Assembly, decide with binding effect all matters relating to the internal organisation 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:

- i.* the quorum;
- ii.* the method of appointment and term of office of its President;
- iii.* the procedure for the admission of items to its agenda, including the giving of notice of proposals for resolutions; and
- iv.* the notifications required for the nomination of alternates under Article 14.

## **Article 19**

At each session of the Consultative (Parliamentary) Assembly the Committee of Ministers shall furnish the Assembly with statements of its activities, accompanied by appropriate documentation.<sup>2</sup>

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1. See also the Statutory Resolution (powers of the Committee of Ministers) p. 16 below and Statutory Resolution (93) 27 p. 25 below.

2. See Rule 57 of the Assembly's Rules of Procedure.

## Article 20<sup>1</sup>

- a.* Resolutions of the Committee of Ministers relating to the following important matters, namely:
- i. recommendations under Article 15.*b*<sup>2</sup>;
  - ii. questions under Article 19;
  - iii. questions under Article 21.*a.i* and *b*;
  - iv. questions under Article 33;
  - v. recommendations for the amendment of Articles 1.*d*, 7, 15, 20 and 22; and
  - vi. any other question which the Committee may, by a resolution passed under *d* below, decide should be subject to a unanimous vote on account of its importance require the unanimous vote of the representatives casting a vote, and of a majority of the representatives entitled to sit on the Committee.
- 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 representatives entitled to sit on the Committee.
- c.* Resolutions of the Committee under Articles 4 and 5 require a two-thirds majority of all the representatives entitled to sit on the Committee.
- d.* All other Resolutions of the Committee<sup>3</sup>, including the adoption of the Budget, of Rules of Procedure and of financial and administrative regulations, recommendations for the amendment of articles of this Statute, other than those mentioned in paragraph *a.v* above, and deciding in case of doubt which paragraph of this Article applies, require a two-thirds majority of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee.

## Article 21

- a.* Unless the Committee decides otherwise, meetings of the Committee of Ministers shall be held:
- i. in private, and
  - ii. at the seat of the Council.
- b.* The Committee shall determine what information shall be published regarding the conclusions and discussions of a meeting held in private.
- c.* The Committee shall meet before and during the beginning of every Session of the Consultative (Parliamentary) Assembly and at such other times as it may decide.

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1. See also the statutory resolutions (partial agreements and majorities required for decisions of the Committee of Ministers) pp. 21 and 25 below.

2. In November 1994 the Committee of Ministers agreed upon a Gentleman's Agreement amongst themselves to the effect that no delegation should request the application of the rule of unanimity provided for under Article 20(a)(i) of the Statute to block the adoption of recommendations to the governments of member states, if the majority foreseen in Article 20(d) of the Statute has been attained.

3. Also in November 1994 the Committee of Ministers, noting that no binding decision on this subject exists in the Statute, agreed to adopt replies to the Parliamentary Assembly henceforth by the majority provided for in Article 20(d) of the Statute, considering that every effort will be made to reach a consensus within a reasonable period of time. This agreement has not been applied to written questions (see in this connection the decision of Ministers' Deputies of 7 April 2004).

## CHAPTER V – [PARLIAMENTARY<sup>1</sup>] CONSULTATIVE ASSEMBLY

### Article 22

The Consultative (Parliamentary) Assembly is the deliberative organ of the Council of Europe. It shall debate matters within its competence under this Statute and present its conclusions, in the form of recommendations, to the Committee of Ministers.

### Article 23<sup>2</sup>

*a.* The Consultative (Parliamentary) Assembly may discuss and make recommendations upon any matter within the aim and scope of the Council of Europe as defined in Chapter I. It shall also discuss and may make recommendations upon any matter referred to it by the Committee of Ministers with a request for its opinion.

*b.* The Assembly shall draw up its Agenda in accordance with the provisions of paragraph *a* above. In so doing, it shall have regard to the work of other European intergovernmental organisations to which some or all of the Members of the Council are parties.

*c.* The President of the Assembly shall decide, in case of doubt, whether any question raised in the course of the Session is within the Agenda of the Assembly.

### Article 24<sup>3</sup>

The Consultative (Parliamentary) Assembly may, with due regard to the provisions of Article 38.d, establish committees or commissions to consider and report to it on any matter which falls within its competence under Article 23, to examine and prepare questions on its Agenda and to advise on all matters of procedure.<sup>4</sup>

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1. In July 1974 the Standing Committee decided that the name “Parliamentary Assembly” should be used instead of “Consultative Assembly since it reflects the role and composition of the Assembly more accurately (see also above, footnote to Article 10 of the Statute).

2. Article amended in conformity with Certificate of the Secretary General of 22 May 1951.

#### *Original Article 23*

“The Consultative Assembly shall discuss, and may make recommendations upon any matter within the aim and scope of the Council of Europe as defined in Chapter I, which (i) is referred to it by the Committee of Ministers with a request for its opinion, or (ii) has been approved by the Committee for inclusion in the Agenda of the Assembly on the proposal of the latter.

In taking decisions under *a*, the Committee shall have regard to the work of other European intergovernmental organisations to which some or all of the Members of the Council are parties.

The President of the Assembly shall decide, in case of doubt, whether any question raised in the course of the Session is within the Agenda of the Assembly approved under *a* above.”

3. See the budgetary texts, Appendix X of Complementary texts, Statutory Resolution (51) 30, p.16 and the reply of the Committee of Ministers to Assembly Recommendation 1361 (1998) of 26 April 1999 (Doc. 8388) “that it will consult the Assembly in the future on all draft treaties. However, in practice, a small number of treaties of an exclusively technical nature, may not require such a consultation”.

4. See Part X of the Assembly’s Rules of Procedure.

## **Article 25**<sup>1</sup>

*a.* The Consultative (Parliamentary) Assembly shall consist of Representatives of each Member, elected by its Parliament from among the members thereof, or appointed from among the members of that Parliament, in such manner as it shall decide<sup>2</sup>, subject, however, to the right of each Member Government to make any additional appointments necessary when the Parliament is not in session and has not laid down the procedure to be followed in that case. Each Representative must be a national of the Member whom he represents, but shall not at the same time be a member of the Committee of Ministers.<sup>3</sup>

The term of office of Representatives thus appointed will date from the opening of the Ordinary Session following their appointment; it will expire at the opening of the next Ordinary Session or of a later Ordinary Session, except that, in the event of elections to their Parliaments having taken place, Members shall be entitled to make new appointments.

If a Member fills vacancies due to death or resignation, or proceeds to make new appointments as a result of elections to its Parliament, the term of office of the new Representatives shall date from the first Sitting of the Assembly following their appointment.<sup>4</sup>

*b.* No Representative shall be deprived of his position as such during a Session of the Assembly without the agreement of the Assembly.

*c.* Each Representative may have a Substitute who may, in the absence of the Representative, sit, speak and vote in his place. The provisions of paragraph *a* above apply to the appointment of Substitutes.<sup>5</sup>

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1. Article amended in paragraph *a* in conformity with Certificates of the Secretary General of 22 May 1951 and 4 May 1953.  
*Original Article 25.a*

“The Consultative Assembly shall consist of Representatives of each Member appointed in such a manner as the Government of the Member shall decide. Each Representative must be a national of the Member whom he represents, but shall not at the same time be a member of the Committee of Ministers.”

See also Rules 6 to 10 of the Assembly’s Rules of Procedure.

2. Paragraph amended in conformity with Certificate of the Secretary General of 14 October 1970.

*Former version of this paragraph:*

“The Consultative Assembly shall consist of Representatives of each Member, elected by its Parliament or appointed in such manner as that Parliament shall decide, ...” (the remainder unchanged).

3. The Assembly considered that this provision should be supplemented in its Rules of Procedure in order to separate the offices of President of the Assembly and of a member of government of a member state (Resolution 992 (1992)); see Rule 15.6 of the Assembly’s Rules of Procedure.

4. See Rule 11 of the Assembly’s Rules of Procedure.

5. See Rule 12 of the Assembly’s Rules of Procedure.

## **Article 26<sup>1</sup>**

Members shall be entitled to the number of Representatives given below:

Albania	4
Andorra	2
Armenia	4
Azerbaijan	6
Austria	6
Belgium	7
Bosnia and Herzegovina	5
Bulgaria	6
Croatia	5
Cyprus	3
Czech Republic	7
Denmark	5
Estonia	3
Finland	5
France	18

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1. *This Article has undergone successive modifications as additional States have become Members of the Council:* Greece and Turkey joined in 1949; Iceland and the Federal Republic of Germany and the Saar in 1950, the two last-named as Associate Members; Austria became a Member in 1956; Cyprus became a Member in 1961; Switzerland became a Member in 1963; Malta became a Member in 1965; Portugal became a Member in 1976; Spain became a Member in 1977; Liechtenstein became a Member in 1978; San Marino became a Member in 1988; Finland became a Member in 1989; Hungary became a Member in 1990; Czechoslovakia and Poland became Members in 1991; Bulgaria became a Member in 1992; Estonia, Lithuania, Slovenia, the Czech Republic, the Slovak Republic and Romania became Members in 1993. Andorra became a member in 1994; Latvia, Moldova, Albania, Ukraine and “the former Yugoslav Republic of Macedonia” became members in 1995; Russia and Croatia became members in 1996; Georgia became a member in 1999, Armenia and Azerbaijan in 2001, Bosnia and Herzegovina in 2002, Serbia and Montenegro in 2003 and Monaco in 2004. The Federal Republic of Germany became a full Member on 2 May 1951. The Saar ceased to be an Associate Member on 1 January 1957. Greece withdrew from the Council of Europe on 31 December 1970, but became again a Member in November 1974. The Czech and Slovak Federal Republic (Czechoslovakia) was dissolved on 31 December 1992. The state of union of Serbia and Montenegro ended in June 2006.

An Amendment effected by the process of Certificate of the Secretary General on 18 December 1951 increased by one the number of seats allocated to Belgium, Denmark, Greece, the Netherlands and Norway and by two the number of seats allocated to Turkey. Another Amendment increased by two the number of seats allocated to Spain and Turkey, in accordance with the Certificate of the Secretary General on 20 January 1978. The latest Amendment increased by six the number of seats allocated to Turkey, in accordance with the Certificate of the Secretary General on 16 June 2015.

### *Original Article 26*

“The following States, on becoming Members, shall be entitled to the number of Representatives given below.

Belgium: 6  
Denmark: 4  
France: 18  
Irish Republic: 4  
Italy: 18  
Luxembourg: 3  
Netherlands: 6  
Norway: 4  
Sweden: 6  
United Kingdom: 18”

*Statute of the Council of Europe*

Georgia	5
Germany	18
Greece	7
Hungary	7
Iceland	3
Ireland	4
Italy	18
Latvia	3
Liechtenstein	2
Lithuania	4
Luxembourg	3
Malta	3
Moldova	5
Monaco	2
Montenegro	3
Netherlands	7
Norway	5
Poland	12
Portugal	7
Romania	10
Russia	18
San Marino	2
Serbia	7
Slovak Republic	5
Slovenia	3
Spain	12
Sweden	6
Switzerland	6
“the former Yugoslav Republic of Macedonia”	3
Turkey	18
Ukraine	12
United Kingdom of Great Britain and Northern Ireland	18

## **Article 27**<sup>1</sup>

The conditions under which the Committee of Ministers collectively may be represented in the debates of the Consultative (Parliamentary) Assembly, or individual representatives on the Committee or their alternates may address the Assembly, shall be determined by such Rules of Procedure on this subject as may be drawn up by the Committee after consultation with the Assembly.<sup>2</sup>

## **Article 28**

- a. The Consultative (Parliamentary) Assembly shall adopt its Rules of Procedure and shall elect from its members its President, who shall remain in office until the next Ordinary Session.<sup>3</sup>
- b. The President shall control the proceedings but shall not take part in the debate or vote. The Substitute of the Representative who is President may sit, speak and vote in his place.<sup>4</sup>
- c. The Rules of Procedure shall determine inter alia:
  - i. the quorum;<sup>5</sup>
  - ii. the manner of the election and terms of office of the President and other officers;<sup>6</sup>
  - iii. the manner in which the Agenda shall be drawn up and be communicated to Representatives<sup>7</sup>; and
  - iv. the time and manner in which the names of Representatives and their Substitutes shall be notified.<sup>8</sup>

## **Article 29**

Subject to the provisions of Article 30, all resolutions of the Consultative (Parliamentary) Assembly, including resolutions:

- i. embodying recommendations to the Committee of Ministers;
- ii. proposing to the Committee matters for discussion in the Assembly;<sup>9</sup>
- iii. establishing committees or commissions;
- iv. determining the date of commencement of its Sessions;
- v. determining what majority is required for resolutions in cases not covered by i to iv above or determining cases of doubt as to what majority is required,

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1. Article amended in conformity with Certificate of the Secretary General of 22 May 1951:

*Original Article 27*

“The conditions under which the Committee of Ministers collectively may be represented in the debates of the Consultative Assembly, or individual representatives on the Committee may address the Assembly, shall be determined by such Rules of Procedure on this subject as may be drawn up by the Committee after consultation with the Assembly.”

2. See Rule 55 of the Assembly’s Rules of Procedure and the decision of the Standing Committee of 25 November 1987 relating to access for government representatives to Assembly Committees.

3. See Rule 15 of the Assembly’s Rules of Procedure.

4. See Rule 20 of the Assembly’s Rules of Procedure.

5. See Rule 42 of the Assembly’s Rules of Procedure.

6. See Rule 14, 15 and 16 of the Assembly’s Rules of Procedure.

7. See Rule 27 of the Assembly’s Rules of Procedure.

8. See Rule 6 of the Assembly’s Rules of Procedure.

9. Paragraph ii lapses as a result of the amendment made to the Assembly’s Rules (Rule 27).

shall require a two-thirds majority of the Representatives casting a vote.<sup>1</sup>

### **Article 30**

On matters relating to its internal procedure, which includes the election of officers, the nomination of persons to serve on committees and commissions and the adoption of Rules of Procedure, resolutions of the Consultative (Parliamentary) Assembly shall be carried by such majorities as the Assembly may determine in accordance with Article 29.v.

### **Article 31**

Debates (on proposals to be made to the Committee of Ministers<sup>2</sup>) that a matter should be placed on the Agenda of the Consultative (Parliamentary) Assembly shall be confined to an indication of the proposed subject-matter and the reasons for and against its inclusion in the Agenda.

### **Article 32**

The Consultative (Parliamentary) Assembly shall meet in Ordinary Session once a year, the date and duration of which 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. In no circumstances shall the duration of an Ordinary Session exceed one month unless both the Assembly and the Committee of Ministers concur.<sup>3</sup>

### **Article 33**

Ordinary Sessions of the Consultative (Parliamentary) Assembly shall be held at the seat of the Council unless both the Assembly and the Committee of Ministers concur that the Session should be held elsewhere.<sup>4</sup>

### **Article 34**<sup>5</sup>

The Consultative (Parliamentary) 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 also to determine the date and place of the Session.<sup>6</sup>

### **Article 35**

Unless the Consultative (Parliamentary) Assembly decides otherwise, its debates shall be conducted in public.<sup>7</sup>

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1. Only affirmative and negative votes shall count in calculating the number of Representatives casting a vote (See Rules 40.4 and 41 of the Assembly's Rules of Procedure).

2. The words "*on proposals to be made to the Committee of Ministers*" are no longer applicable in view of the amendment made to the Assembly's Rules of Procedure.

3. See Rule 4 of the Assembly's Rules of Procedure.

4. See Rule 3 of the Assembly's Rules of Procedure and Article 20.a.iv of the Statute.

5. Article amended in conformity with Certificate of the Secretary General of 22 May 1951:

*Original Article 34*

"The Committee of Ministers may convoke an Extraordinary Session of the Consultative Assembly at such time and place as the Committee, with the concurrence of the President of the Assembly, shall decide."

6. See Rules 2 and 3 of the Assembly's Rules of Procedure.

## CHAPTER VI – SECRETARIAT

### Article 36

- a.* The Secretariat shall consist of a Secretary General, a Deputy Secretary General and such other staff as may be required.<sup>1</sup>
- b.* The Secretary General and Deputy Secretary General shall be appointed by the Consultative (Parliamentary) Assembly on the recommendation of the Committee of Ministers.<sup>2</sup>
- 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 Consultative (Parliamentary) 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 external to the Council and will refrain from any action which might reflect on his position as an international official responsible only to the Council. In the case of the Secretary General and the Deputy Secretary General this declaration shall be made before the Committee, and in the case of all other members of the staff, before the Secretary General.
- f.* Every Member shall respect the exclusively international 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 37

- a.* The Secretariat shall be located at the seat of the Council.
- b.* The Secretary General is responsible to the Committee of Ministers for the work of the Secretariat. Amongst other things, he shall, subject to Article 38.d, provide such secretariat and other assistance as the Consultative (Parliamentary) Assembly may require.<sup>3</sup>

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7. See Rule 32 of the Assembly's Rules of Procedure.

1. See Resolution (49) 20 of the Committee of Ministers, p. 20 below, which pending the amendment of articles 36 and 37 of the Statute authorised the Assembly to appoint, on the recommendation of the Committee of Ministers, a chief of the Administrative Services (Clerk) of the Assembly, having the rank of Deputy Secretary General. Resolution (55) 29 of the Committee of Ministers specifies that "pending the amendment of article 36 (a) of the Statute, the Secretariat shall consist of the Secretary General, the Deputy Secretary General, the Clerk of the Assembly and such other staff as may be required"; see also the regulations relating to the appointment of the Secretary General, the Deputy Secretary General and the Clerk of the Assembly, Appendix IX of the Complementary texts. On 24 January 2000 (entering into force of Assembly Resolution 1202 (1999) the name of "Clerk of the Assembly" was changed to Secretary General of the Assembly (see Rule 66 of the Assembly's Rules of Procedure).

2. *Idem.*

3. See Rule 66 of the Assembly's Rules of Procedure.

## **CHAPTER VII – FINANCE**

### **Article 38**<sup>1</sup>

*a.* Each Member shall bear the expenses of its own representation in the Committee of Ministers and in the Consultative (Parliamentary) Assembly.

*b.* The expenses of the Secretariat and all other common expenses shall be shared between all Members in such proportions as shall be determined by the Committee on the basis of the population of Members.<sup>2</sup>

The contributions of an Associate Member shall be determined by the Committee.

*c.* In accordance with the financial regulations, the Budget of the Council shall be submitted annually by the Secretary General for adoption by the Committee.

*d.* The Secretary General shall refer to the Committee requests from the Assembly which involve expenditure exceeding the amount already allocated in the Budget for the Assembly and its activities<sup>3</sup>.

*e.* The Secretary General shall also submit to the Committee of Ministers an estimate of the expenditure to which the implementation of each of the recommendations presented to the Committee would give rise. Any resolution the implementation of which requires additional expenditure shall not be considered as adopted by the Committee of Ministers unless the Committee has also approved the corresponding estimates for such additional expenditure.

### **Article 39**

The Secretary General shall each year notify the Government of each Member of the amount of its contribution, and 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.

## **CHAPTER VIII – PRIVILEGES AND IMMUNITIES**

### **Article 40**

*a.* The Council of Europe, representatives of Members and the Secretariat shall enjoy in the territories of its Members such privileges and immunities as are reasonably necessary for the fulfilment of their functions. These immunities shall include immunity for all Representatives to the Consultative (Parliamentary) 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 or commissions.

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1. Original article completed by paragraph e in conformity with Certificate of the Secretary General of 22 May 1951.

2. In November 1994 the Committee of Ministers adopted Resolution (94)31 on the method of calculating the scales of member states' contributions to Council of Europe budgets.

3. See the budgetary texts relating to the Assembly, Appendix X of the Complementary texts.

*b.* The Members undertake as soon as possible to enter into agreement<sup>1</sup> for the purpose of fulfilling the provisions of paragraph *a* above. For this purpose the Committee of Ministers shall recommend to the Governments of Members the acceptance of an Agreement defining the privileges and immunities to be granted in the territories of all Members. In addition a special Agreement shall be concluded with the Government of the French Republic defining the privileges and immunities which the Council shall enjoy at its seat.

## **CHAPTER IX – AMENDMENTS**

### **Article 41**

*a.* Proposals for the amendment of this Statute may be made in the Committee of Ministers or, in the conditions provided for in Article 23, in the Consultative (Parliamentary) Assembly.

*b.* The Committee shall recommend and cause to be embodied in a Protocol those amendments which it considers to be desirable.

*c.* An amending Protocol shall come into force when it has been signed and ratified on behalf of two-thirds of the Members.

*d.* Notwithstanding the provisions of the preceding paragraphs of this Article, amendments to Articles 23 to 35, 38 and 39, which have been approved by the Committee and by the Assembly, 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. This paragraph shall not operate until the conclusion of the second Ordinary Session of the Assembly.

## **CHAPTER X – FINAL PROVISIONS**

### **Article 42**

*a.* This Statute shall be ratified. Ratifications shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

*b.* The present Statute shall come into force as soon as seven instruments of ratification have been deposited. The Government of the United Kingdom shall transmit to all signatory Governments a certificate declaring that the Statute has entered into force and giving the names of the Members of the Council of Europe on that date.

*c.* Thereafter each other signatory shall become a Party to this Statute as from the date of the deposit of its instrument of ratification.

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1. See the General Agreement on Privileges and Immunities of the Council of Europe and the Protocol thereto, p. 44 below and Rule 67 of the Assembly's Rules of Procedure.

## STATUTORY RESOLUTIONS

### APPENDIX I – STATUTORY RESOLUTION (51) 30<sup>1</sup>

#### adopted by the Committee of Ministers on 3 May 1951

The Committee of Ministers,

Having regard to certain proposals made by the Consultative (Parliamentary) Assembly for the revision of the Statute of the Council of Europe;

Considering that the provisions hereinafter set out are not inconsistent with the present Statute,

Declares its intention of putting into effect the following provisions:

#### *A. Admission of new Members<sup>2</sup>*

The Committee of Ministers, before inviting a State to become a Member or Associate Member of the Council of Europe, in accordance with Articles 4 and 5 of the Statute, or inviting a Member of the Council of Europe to withdraw, in accordance with Article 8, shall first consult the Consultative (Parliamentary) Assembly in accordance with existing practice.

#### *B. Powers of the Committee of Ministers*

(Article 15 of the Statute)

The conclusions of the Committee may, where appropriate, take the form of a convention or agreement<sup>3</sup>. In that event the following provisions shall be applied:

- i. The convention or agreement shall be submitted by the Secretary General to all Members for ratification;
- ii. Each Member undertakes that within one year of such submission, or, where this is impossible owing to exceptional circumstances, within eighteen months, the question of ratification of the convention or agreement shall be brought before the competent authority or authorities in its country<sup>4</sup>;
- iii. The instruments of ratification shall be deposited with the Secretary General;
- iv. The convention or agreement shall be binding only on such Members as have ratified it.

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1. Verbal amendments which were adopted by the Ministers' Deputies at their 40th meeting (8 to 16 June 1956) are incorporated.

2. See Resolution 1115 (1997) on the honouring of obligations and commitments by member states of the Council of Europe.

3. See Statutory Resolution (93) 27, p. 25; since April 1999 (see Doc. 8388), the Committee of Ministers consults the Assembly on all draft treaties. However, in practice, a small number of treaties of an exclusively technical nature, may not require such a consultation; see also the "report on follow-up action on the final report of the Committee of Wise Persons" (doc. CM (99) 64).

4. In practice, neither of these sub-paragraphs i. and ii. has been applied. Generally speaking Council of Europe conventions are governed by the Vienna Convention on the Law of Treaties of 23 May 1969.

C. *Joint Committee*<sup>1</sup>

i. 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 and the Consultative (Parliamentary) Assembly, the functions of the Joint Committee shall be, in particular:

a. to examine the problems which are common to those two organs;

b. to draw the attention of those two organs to 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 Consultative (Parliamentary) Assembly;

d. to examine and promote means of giving practical effect to the recommendations adopted by one or other of these two organs.

ii. a. The Joint Committee shall be composed in principle of twelve members, five representing the Committee of Ministers and seven representing the Consultative (Parliamentary) Assembly, the latter number to include the President of the Consultative Assembly, who shall be a member *ex officio*.

The number of members may be increased by agreement between the Committee of Ministers and the Assembly. Nevertheless, the Committee of Ministers shall, at its discretion, be entitled to increase the number of its representatives by one or two.<sup>2</sup>

b. The Committee of Ministers and the Consultative (Parliamentary) Assembly shall each be free to choose its own method of selecting its representatives on the Joint Committee.

c. The Secretary General shall be entitled to attend the meetings of the Joint Committee in an advisory capacity.

iii. a. The President of the Consultative (Parliamentary) Assembly shall be the Chairman of the Joint Committee.

b. No proceedings of the Committee shall be regarded as valid unless there is a quorum consisting of three of the representatives of the Committee of Ministers and five of the representatives of the Consultative (Parliamentary) Assembly.

c. The conclusions of the Joint Committee shall be reached without voting.

d. The meetings of the Joint Committee shall be convened by the Chairman and shall take place as often as is necessary and, in particular, before and after the sessions of the Committee of Ministers and of the Consultative (Parliamentary) Assembly.

e. Subject to the foregoing provisions, the Joint Committee may adopt its own Rules of Procedure.

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1. See Rule 56 of the Assembly's Rules of Procedure.

2. The number of representatives on the Joint Committee of each organ of the Council of Europe had been increased to eight on 24 October 1957. On 6 December 1963, the Committee of Ministers agreed to a new increase of this number as proposed by the Assembly in its Recommendation 358, viz. that the Joint Committee should consist of one representative of each Government of the Member States (47 at present) and an equal number of representatives of the Assembly (Docs. 1684, para. 5, and 2016, para. VIII). In the past, the Joint Committee in an enlarged form, at Foreign Minister level, met as a Colloquy once a year for a free discussion of subjects chosen by common accord by the Committee of Ministers and the Bureau of the Assembly. The Assembly's delegation is constituted in conformity with Rule 56 of the Rules of Procedure of the Assembly.

*D. Specialised Authorities<sup>1</sup>*

i. a. The Council of Europe may take the initiative of instituting negotiations between Members with a view to the creation of European Specialised Authorities, each with its own competence in the economic, social, cultural, legal, administrative or other related fields.

b. Each Member shall remain free to adhere or not to adhere to any such European Specialised Authority.

ii. If Member States set up European Specialised Authorities among themselves on their own initiative, the desirability of bringing these Authorities into relationship with the Council of Europe shall be considered, due account being taken of the interests of the European community as a whole.

iii. a. The Committee of Ministers may invite each Authority to submit to it a periodical report on its activities.

b. Insofar as any agreement setting up a Specialised Authority provides for a parliamentary body, this body may be invited to submit a periodical report to the Consultative (Parliamentary) Assembly of the Council of Europe.

iv. a. The conditions under which a Specialised Authority shall be brought into relationship with the Council may be determined by special agreements concluded between the Council and the Specialised Authority concerned. Such agreement may cover, in particular:

1. reciprocal representation and, if the question arises, appropriate forms of integration between the organs of the Council of Europe and those of the Specialised Authority;
2. the exchange of information, documents and statistical data;
3. the presentation of reports by the Specialised Authority to the Council of Europe and of recommendations of the Council of Europe to the Specialised Authority;
4. arrangements concerning staff and administrative, technical, budgetary and financial services.

b. Such agreements shall be negotiated and concluded on behalf of the Council of Europe by the Committee of Ministers after an opinion has been given by the Consultative (Parliamentary) Assembly.

v. The Council of Europe may 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 submitting recommendations to Member Governments.

*E. Relations with intergovernmental and non-governmental international organisations*

i. The Committee of Ministers may, on behalf of the Council of Europe, conclude with any intergovernmental organisation agreements on matters which are within the competence of the Council<sup>2</sup>. These agreements shall, in particular, define the terms on which such an organisation shall be brought into relationship with the Council of Europe.

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1. So far, no special authority has been created within the Council of Europe; but a certain number of activities are conducted in the framework of a partial agreement (see Statutory Resolution (93) 28 below p. 21).

2. See also Statutory Resolution (93) 26 item VII, p. 24.

- ii. The Council of Europe, or any of its organs, shall be authorised to exercise any functions coming within the scope of the Council of Europe which may be entrusted to it by other European intergovernmental organisations. The Committee of Ministers shall conclude any agreements necessary for this purpose.
- iii. The agreement referred to in paragraph i may provide, in particular:
  - a. that the Council shall take appropriate steps to obtain from, and furnish to, the organisations in question regular reports and information, either in writing or orally;
  - b. that the Council shall give opinions and render such services as may be requested by these organisations.
- iv. The Committee of Ministers may, on behalf of the Council of Europe, make suitable arrangements for consultation with international non-governmental organisations which deal with matters that are within the competence of the Council of Europe.<sup>1</sup>

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1. See the participatory status for international NGOs with the Council of Europe and the status of partnership between the Council of Europe and national NGOs, p. 35.

**APPENDIX II – STATUTORY RESOLUTION (49) 20 ON THE DEPUTY SECRETARY-GENERAL FOR ASSEMBLY SERVICES**

**(adopted by the Committee of Ministers on 3 November 1949)**

The Committee of Ministers decided that, pending the amendment of Art. 36 and 37 of the Statute, the Consultative (Parliamentary) Assembly would be authorised to appoint, on the recommendation of the Committee of Ministers, a Chief of the Administrative Services of the Assembly<sup>1</sup>. This official would have the rank of Deputy Secretary-General and would act under the authority of the Secretary General.

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1. In 1956 this title was replaced by “Clerk of the Assembly”, and in January 2000 by “Secretary General of the Assembly” (Rule 66 of the Assembly’s Rules of Procedure).

## **APPENDIX III – STATUTORY RESOLUTION (93) 28 ON PARTIAL AND ENLARGED AGREEMENTS<sup>1</sup>**

**(Adopted by the Committee of Ministers on 14 May 1993 at its 92nd Session)**

The Committee of Ministers,

Considering that the Statute of the Council of Europe gives the Organisation competence in a wide range of spheres, in which it pursues the aim of achieving a greater unity between its members;

Considering that Partial Agreements allowing members to abstain from participating in a course of action advocated by other members, as established in the Statutory Resolution adopted by the Committee of Ministers at its 9th Session on 2 August 1951, have proved fruitful;<sup>2</sup>

Considering that in some cases the problems dealt with in the Council of Europe outstrip the geographical framework of the territory of its members and that the Organisation must be ready to examine any proposal emanating from non-member states for the joint carrying out of an intergovernmental activity;

Considering that provision ought therefore to be made for flexible and noninstitutionalised arrangements whereby some or all members as well as non-members of the Council of Europe may pursue an intergovernmental activity together on an equal footing, within the framework of a Partial, Enlarged Partial or Enlarged Agreement;

Having regard to the Parliamentary Assembly's favourable opinion, Resolves as follows:

### *Participation in activities*

Activities or a series of activities which are not pursued as a joint effort by all member states of the Council of Europe or to which one wishes to associate non-member states of the Council of Europe may be carried out:

- by some member states of the Council of Europe as a Partial Agreement;
- by some member states of the Council of Europe together with one or more non-member states as an Enlarged Partial Agreement;
- by all member states of the Council of Europe together with one or more non-member states as an Enlarged Agreement.

### *Decision on participation<sup>3</sup>*

The Committee of Ministers may, by the majority stipulated in Article 20.d of the Statute of the Council of Europe:

- authorise some member states to carry out an activity or a series of activities within the framework of the Organisation, the activity or series of activities being adopted only by the Representatives who vote in favour of it and being limited accordingly;

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1. See Resolution Res(96) 36 of the Committee of Ministers establishing the criteria for Partial and Enlarged Agreements of the Council of Europe.

2. See Statutory Resolution (51) 62.

3. See Statutory Resolution (93) 27 p.25 below

### *Statutory resolutions*

- in its composition restricted to Representatives of member states of a Partial Agreement, invite any non-member state to join the Partial Agreement or certain of its activities;
- invite any non-member state to join the member states of the Council of Europe in carrying out an activity or series of activities.

### *Budget*

The Partial Agreement, Enlarged Partial Agreement or Enlarged Agreement (hereinafter “the Agreement”) shall be financed by a budget constituted by contributions from the member states and non-member states participating in it.

The scale according to which the contributions of non-member states are calculated shall be decided in agreement with the latter; as a general rule, that scale shall conform to the criteria for determining the scale of contributions to the general budget of the Council of Europe.

The budget shall be adopted annually by an organ composed of the Representatives on the Committee of Ministers of the member states participating in the activity and where appropriate of Representatives of the non-member states participating in the activity who shall thus be entitled to vote.

The Financial Regulations shall apply, *mutatis mutandis*, to the adoption and management of the budget of the Agreement.

### *Functioning of the Agreement*

The decision setting up the Agreement shall provide for its organs and lay down specific arrangements for the pursuit of its activities. Unless otherwise stipulated in the decision, the general rules in force in the Council of Europe concerning committee structures, terms of reference and working methods and, in particular, the Rules of Procedure for the meetings of the Ministers’ Deputies shall apply, *mutatis mutandis*, to the organs of the Agreement.

Secretarial services for the organs of the Agreement shall be provided by the Secretary General of the Council of Europe.

### *Additional members and observers*

Unless otherwise provided in the decision setting-up the Agreement,

- any member State of the Council of Europe may join at any moment any Agreement by making a declaration to this effect to the Secretary General;
- any non-member state of the Council of Europe may be invited to join an Enlarged or Enlarged Partial Agreement by decision of the Committee of Ministers, following consultation of the non-member states already participating;
- any non-member state and any international intergovernmental organisation may be invited by the Committee of Ministers, following consultation of the non-member states already participating, to take part as an observer in the activities of a Partial, Enlarged Partial or Enlarged Agreement. No budget contribution shall be required from observers.

*Statutory resolutions*

*European Community*

The European Community may be invited by the Committee of Ministers to participate in a Partial, Enlarged Partial or Enlarged Agreement. The modalities of its participation shall be determined in the decision inviting it to participate.

*Transitory provisions*

This text replaces the Statutory Resolution on Partial Agreements adopted by the Committee of Ministers at its 9th Session on 2 August 1951<sup>1</sup>.

Partial Agreements already established shall continue to function according to their own rules.

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1. Resolution (51) 62.

## **APPENDIX IV – STATUTORY RESOLUTION (93) 26 ON OBSERVER STATUS<sup>1</sup>**

**(Adopted by the Committee of Ministers on 14 May 1993 at its 92nd Session)**

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe,

Having regard to the Parliamentary Assembly's proposals for institutional reforms within the Council of Europe;

Bearing in mind the changed political situation in Europe and the world;

Convinced that this situation requires increased co-operation between the Council of Europe and non-member states sharing the Organisation's ideals and values;

Considering that an institutional framework should be given to such co-operation;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe,

Resolves as follows:

I. Any State willing to accept the principles of democracy, the rule of law and the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and wishing to co-operate with the Council of Europe may be granted by the Committee of Ministers, after consulting the Parliamentary Assembly, observer status with the Organisation.

II. States enjoying observer status shall be entitled to send observers to those of the Council of Europe Committees of experts which were set up under Article 17 of the Statute and to which all member states are entitled to designate participants.

III. States enjoying observer status shall be entitled, upon invitation by the host country, to send observers to conferences of specialised ministers.

IV. Decisions on inviting states enjoying observer status to participate in the activities of Partial, Enlarged or Enlarged Partial Agreements shall be taken in accordance with the rules applicable to the respective agreement.

V. Observer status gives no right to be represented on the Committee of Ministers or the Parliamentary Assembly unless a specific decision has been taken by one of these organs on its own behalf.

VI. States enjoying observer status may appoint a permanent observer to the Council of Europe.

VII. An international intergovernmental organisation willing to co-operate closely with the Council of Europe and deemed able to make an important contribution to its work, may be granted by the Committee of Ministers, after consulting the Parliamentary Assembly, observer status with the rights set out in Articles II, III and IV for states enjoying observer status.

VIII. The Committee of Ministers may suspend and, after consulting the Parliamentary Assembly, withdraw observer status.

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1. See also Rule 61 of the Assembly's Rules of Procedure which relates to observers to the Assembly. In July 1999, the Committee of Ministers approved criteria for the granting of observer status with the Council of Europe (CM/Inf (99)50).

**APPENDIX V – STATUTORY RESOLUTION (93) 27 ON MAJORITIES REQUIRED FOR DECISIONS OF THE COMMITTEE OF MINISTERS<sup>1</sup>**

**(Adopted by the Committee of Ministers on 14 May 1993 at its 92nd Session)**

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe,

Having regard to the Parliamentary Assembly's proposals for institutional reforms within the Council of Europe;

Bearing in mind the increased membership of the Council of Europe and the need to strengthen the Organisation's capacity for action;

Considering it therefore desirable to reduce the number of cases where unanimity is required for decisions of the Committee of Ministers;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe,

Resolves as follows:

*I. Opening of conventions and agreements for signature<sup>2</sup>*

Decisions on the opening for signature of conventions and agreements concluded within the Council of Europe shall be taken by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the Committee, as set out in Article 20.d of the Statute.

*II. Partial Agreements<sup>3</sup>*

In accordance with the Statutory Resolution on Partial and Enlarged Agreements, decisions authorising certain member states to pursue an activity as a Partial Agreement shall be taken by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the Committee, as set out in Article 20.d of the Statute.

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1. See also the decisions of the Committee of Ministers of November 1994 relating to replies to the Assembly which are mentioned in the footnotes to Article 20 of the Statute of the Council of Europe.

2. See Statutory Resolution (51) 30, p. 16 above.

3. See Statutory Resolution (93) 28, p. 21 above.

**APPENDIX VI – STATUTORY RESOLUTION CM/RES(2011)2 RELATING TO THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE AND THE REVISED CHARTER APPENDED THERETO**

**(Adopted by the Committee of Ministers on 19 January 2011 at the 1103rd meeting of the Ministers' Deputies<sup>1</sup>)**

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe,

Having regard to Statutory Resolution Res(94)3 relating to the setting up of the Congress of Local and Regional Authorities of Europe;

Having regard to the Statutory Resolution Res(2000)1 relating to the Congress of Local and Regional Authorities of Europe;

Having regard to the Statutory Resolution CM/Res(2007)6 relating to the Congress of Local and Regional Authorities of Europe and the revised charter appended thereto;

Having regard to Congress Recommendation 162 (2005) on the revision of the Charter of the Congress of Local and Regional Authorities of the Council of Europe;

Considering that one of the bases of a democratic society is the existence of a solid and effective local and regional democracy in conformity with the principle of subsidiarity included in the European Charter of Local Self-Government whereby public responsibilities shall be exercised, in preference, by those authorities which are closest to the citizens, having regard to the extent and nature of the public tasks and the requirements of efficiency and economy;

Bearing in mind that the creation of a consultative organ genuinely representing both local and regional authorities in Europe was approved in principle by the Heads of State and Government of the Council of Europe at the Vienna Summit;

Having regard to the conclusions of the Warsaw Summit deciding to “pursue, in partnership with the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, intergovernmental co-operation on democracy and good governance at all levels” and stating that “the Congress of Local and Regional Authorities of the Council of Europe must continue to promote local democracy and decentralisation, taking into account the internal organisation of the countries concerned, so as to reach all levels of European society”;

Wishing to enhance and develop the role of local and regional authorities within the institutional structure of the Council of Europe;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe,

Resolves as follows:

*Article 1*

The Congress of Local and Regional Authorities of the Council of Europe (hereinafter referred to as the Congress) is a consultative organ composed of representatives of local and regional authorities. Its membership and functions are regulated by the present articles, by the Charter adopted by the Committee of Ministers and by the Rules of Procedure adopted by the Congress.

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1. The same day, the Committee of Ministers adopted the Charter of the Congress of Local and Regional Authorities of Europe set out in the appendix to this resolution. This Statutory Resolution replaces Statutory Resolution CM/Res (2007)6 adopted by the Committee of Ministers on 2 May 2007.

*Article 2*

1. The Congress, in addition to its consultative functions, furthermore undertakes activities the aims of which shall be:
  - a. to ensure the participation of local and regional authorities in the implementation of the ideal of European unity, as defined in Article 1 of the Statute of the Council of Europe, as well as their representation and active involvement in the Council of Europe's work;
  - b. to submit proposals to the Committee of Ministers in order to promote local and regional democracy;
  - c. to promote co-operation between local and regional authorities;
  - d. to maintain, within the sphere of its responsibilities, contact with international organisations as part of the general external relations policy of the Council of Europe;
  - e. to work in close co-operation, on the one hand with the national, democratic associations of local and regional authorities, and, on the other hand, with the European organisations representing local and regional authorities of the member states of the Council of Europe, and notably with the Committee of the Regions of the European Union.
2. The Committee of Ministers and the Parliamentary Assembly shall consult the Congress on issues which are likely to affect the responsibilities and essential interests of the local and/or regional authorities which the Congress represents.
3. The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states and in states which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented.
4. The Congress shall also prepare reports and recommendations following the observation of local and/or regional elections.
5. Recommendations and opinions of the Congress shall be sent as appropriate to the Parliamentary Assembly and/or the Committee of Ministers as well as to European and international organisations and institutions. Resolutions and other adopted texts which do not entail possible action by the Assembly and/or the Committee of Ministers shall be transmitted to them for their information.

*Article 3*

1. The Congress shall be composed of representatives of local or regional authorities, in conformity with Article 2.1 of the Congress Charter. Delegates shall be appointed according to the criteria and procedure established in the Charter, which will be adopted by the Committee of Ministers, each state ensuring in particular an equitable representation of its various types of local and regional authorities.
2. Each member state shall have the right to the same number of seats in the Congress as it has in the Parliamentary Assembly. Each member state may send a number of substitutes equal to the number of representatives appointed according to the same criteria and procedure.

3. Representatives and substitutes shall be appointed for a period of four years and shall maintain their functions until the opening of the session following the expiration of that period, referred to as renewal session, except in cases referred to in Article 2.6 of the Charter.

#### *Article 4*

1. The Congress shall meet in session at least once a year. Sessions shall be held at the seat of the Council of Europe unless the Congress or its Bureau and the Committee of Ministers decide by common consent that the session should be held elsewhere.

2. The Congress is composed of two Chambers: the Chamber of Local Authorities which represents local authorities and the Chamber of Regions which represents regional authorities. Within the limits of available resources allocated to it and considering the priorities of the Council of Europe, the Congress shall undertake its activities and may set up the following bodies: a Bureau, a Statutory Forum, committees and ad hoc working groups, which are necessary to perform its tasks. The Congress will inform the Committee of Ministers on the setting up of its committees.

#### *Article 5*

The number of seats in the committees will be set by the Congress in its Rules of Procedure.

#### *Article 6*

1. The present text replaces Statutory Resolution CM/Res(2007)6 relating to the Congress of Local and Regional Authorities of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers on 2 May 2007 at the 994th meeting of the Ministers' Deputies.

2. The text of the Charter of the Congress appended to the current Statutory Resolution replaces the text of the Charter adopted by the Committee of Ministers on 2 May 2007 at the 994th meeting of the Ministers' Deputies.

#### *Appendix to Statutory Resolution CM/Res(2011)2*

### **CHARTER OF THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE**

**(Adopted by the Committee of Ministers on 19 January 2011 at the 1103rd meeting of the Ministers' Deputies)**

#### *Article 1*

The Congress of Local and Regional Authorities of the Council of Europe is a consultative organ composed of representatives of local and regional authorities of the member states of the Council of Europe. Its objectives are set out in Article 2 of Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe.

*Article 2*

1. The Congress shall be composed of representatives of local and regional bodies who either hold a general local or regional authority mandate resulting from direct elections or are politically accountable to a directly elected assembly, on the condition that they can be individually dismissed by, or following the decision of the aforementioned assembly and that dismissal is provided for by law.
2. The membership of each member state's delegation to the Congress shall be such as to ensure:
  - a. a balanced geographical distribution of members from the member state's territory;
  - b. equitable representation of the various types of local and regional authorities in the member state;
  - c. equitable representation of the various political forces in the statutory bodies of local and regional authorities in the member state;
  - d. equitable representation of women and men on the statutory bodies of local and regional authorities in the member state, meaning that all delegations must include members of both sexes with a minimum participation of at least 30% of the under-represented sex among the representatives and among the substitutes.
3. Each member state shall have the right to the same number of seats in the Congress as it has in the Parliamentary Assembly. Each member state sends a number of substitutes equal to the number of representatives it sends. Substitutes shall be members of the Chambers in the same capacity as representatives.
4. With regard to the Chamber of Regions, members must be from authorities placed between central government and local authorities and enjoying prerogatives either of self-organisation or of a type normally associated with the central authority and having a genuine competence to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of subsidiarity. If a country has authorities which cover a large area and exercise both local and regional responsibilities, representatives of such authorities shall also be entitled to sit in the Chamber of Regions. A list of these authorities shall be provided in the context of the national appointment procedure. Member states which do not have regional authorities within the meaning of this paragraph shall be able to send members to the Chamber of Regions and its organs in an advisory capacity. The list of these countries shall be determined by the Bureau of the Congress on the proposal of the Governance Committee of the Congress, following consultation of the national delegations.
5. The rules and procedures governing the choice of representatives to the Congress shall also apply to substitutes.
6. Representatives and substitutes shall be appointed for a period of four years. In the event of the death or resignation of a representative or substitute, or of loss of the mandate referred to in paragraph 1 above, a replacement shall be chosen, in accordance with the same rules and procedure, for the remainder of his or her predecessor's mandate. A representative or substitute who has lost his or her mandate, referred to in paragraph 1 may not remain a member of the Congress for more than six months after the loss of his or her mandate. In case of local and/or regional elections taking place up to four months prior to a renewal session, the four year mandate foreseen in Article 3.3 of the Statutory Resolution may be extended for a maximum of six months after the election.

*Article 3*

1. Representatives and substitutes to the Congress shall be appointed by an official procedure specific to each member state. In particular, it shall provide for consultation in each member state of the relevant associations and/or institutional bodies and shall specify the principles to be adhered to in apportioning members in the two Chambers. Each government shall inform the Secretary General of the Council of Europe of this procedure. Such a procedure shall be approved by the Congress in conformity with the principles contained in its Rules of Procedure.
2. Each member state, when notifying the Secretary General of the Council of Europe of the composition of its delegation, shall indicate those representatives and substitutes who will be members of the Chamber of Local Authorities and those who will be members of the Chamber of Regions. Each state shall appoint the same number of members to each Chamber. Countries having regions within the meaning of paragraph 4 of Article 2 of the Charter must appoint as far as possible the same number of representatives to the Chamber of Regions as to the Chamber of Local Authorities, or as close as possible a number in case of national delegations with an odd number of representatives.

*Article 4*

1. Whenever representatives and substitutes have been appointed, the Bureau shall check their credentials. Its conclusions shall be put to the vote in the Congress during sessions and in the Statutory Forum between sessions.
2. In case a national delegation does not comply with Article 2.2 of the Charter, its members will only be able to sit in the Congress without any right to vote or reimbursement of expenses.
3. A representative or substitute whose credentials are not ratified shall not be considered a member of the Congress and may not therefore normally receive allowances for attending Congress meetings.

*Article 5*

1. International associations of local and regional authorities which have participatory status with the Council of Europe shall have observer status with the Congress. Other organisations may, on request, obtain observer status with the Congress, and/or with one of its Chambers, in accordance with the Rules of Procedure.
2. The Congress may, on request, grant special guest status to delegations from local and regional authorities in European non-member states which have such status with the Parliamentary Assembly of the Council of Europe. The Bureau of the Congress shall assign to each special guest state the same number of seats as it has in the Parliamentary Assembly. The appointment of special guest delegations shall be based on the same criteria set out in Articles 2 and 3.
3. Observers and members of the delegations mentioned in paragraph 2 shall take part in the proceedings of the Congress and of its Chambers, with the right to speak, subject to the president's consent, but not to vote. The other conditions of their participation in the Statutory Forum, committees and in working groups shall be laid down in the Rules of Procedure of the Congress.

*Article 6*

1. The Congress shall meet in session at least once a year. Sessions shall be held at the Council of Europe's headquarters, unless otherwise decided, by common consent, by the Congress or its Bureau and the Committee of Ministers. Sessions of the Congress and its Chambers shall be public.
2. The sessions of each of the two Chambers shall be held either immediately before and/or after the session of the Congress. On the proposal of the Bureau of the Congress, either Chamber may hold other sessions.
3. The political groups of the Congress shall meet on the occasion of sessions and Statutory Forum meetings.

*Article 7*

1. Within the framework of the Congress, work is also organised in the two Chambers: the Chamber of Local Authorities and the Chamber of Regions. Each Chamber has at its disposal a number of seats equal to that of the Congress itself.
2. Each Chamber shall elect its Bureau from among its representatives for a period of two years. It shall be composed of the president of the Chamber and seven vice-presidents, respecting as far as possible a fair geographical distribution among member states. No member state shall have more than one representative on the Bureau of either Chamber. The Bureaux of the Chambers may only meet on the occasion of a meeting of the Bureau of the Congress.

*Article 8*

1. The Statutory Forum shall act on behalf of the Congress between sessions. In particular, it shall adopt reports, and organise debates and hearings in accordance with the objectives of the Congress.
2. The Statutory Forum shall be composed of the heads of all national delegations together with the members of the Congress Bureau. The Statutory Forum shall be convened, as necessary, by the president upon decision of the Bureau.

*Article 9*

1. The Bureau of the Congress is composed of the Bureaux of the Chambers plus the President of the Congress, and shall be responsible, in the period between the sessions of the Statutory Forum and the Congress, for ensuring the continuity of the Congress's work. Presidents of the political groups and chairs of the committees will be *ex officio* members of the Bureau without voting rights.

2. The Bureau shall also be responsible for the preparation of the session of the Congress, the co-ordination of the work of the two Chambers, in particular the distribution of questions between the two Chambers, the co-ordination of the work of the committees and of the ad hoc working groups, preparation of the budget and the balanced allocation of budgetary resources between the Congress and the two Chambers. As regards the distribution of questions, no question may be considered in both Chambers. Any matter in which both Chambers would have an interest shall be considered in the Congress. The mandate of the Bureau and its role shall be detailed in the Rules of Procedure.

3. The Bureau of the Congress shall be presided over by the President of the Congress.

#### *Article 10*

1. When a question falls within the competence of the two Chambers, the Bureau of the Congress may, in exceptional cases, set up an ad hoc working group common to both Chambers.

2. After the distribution of questions between the two Chambers and the committees in accordance with Article 9, the Bureau of the Chamber competent to deal with a question may, in exceptional cases, set up an ad hoc working group with a limited number of members empowered with specific terms of reference (preparation of reports, organisation of conferences, follow-up to co-operation projects or to specific intergovernmental activities of the Council of Europe).

3. Organisation of the work of ad hoc working groups shall be governed by the Rules of Procedure.

4. The Congress and its two Chambers may, in accordance with the provisions to be set out in their Rules of Procedure, consult and work with representatives of international associations of local and regional authorities mentioned in Article 5 as well as national associations of local and regional authorities involved in the process of appointing national delegations. As a general rule, the cost of participation shall be borne by such organisations or associations.

#### *Article 11*

1. All the recommendations and opinions to be addressed to the Committee of Ministers and/or the Parliamentary Assembly as well as the resolutions addressed to the local and regional authorities as a whole shall be adopted by the Congress in plenary sitting or by the Statutory Forum.

2. However, when a question is considered by the Bureau of the Congress as falling exclusively within the competence of a Chamber:

- a.* the recommendations and opinions relating to such questions which are addressed to the Committee of Ministers and/or to the Parliamentary Assembly shall be adopted either by the Congress or by the Statutory Forum between sessions, but without any consideration of the substance of the matter. In exceptional cases, the Bureau of the Congress may authorise the other Chamber to formulate an opinion on these draft texts;
- b.* the resolutions relating to the question and which are addressed to the authorities that the Chamber represents shall be adopted either by the Congress or by the Statutory Forum between sessions, without consideration of the substance of the matter.

*Article 12*

The conditions under which the Committee of Ministers and the Parliamentary Assembly may be collectively represented in the debates of the Congress or of the Chambers and those under which their representatives may, in an individual capacity, speak therein shall be drawn up by the Committee of Ministers after consultation with the Congress and inserted in the Rules of Procedure of the latter.

*Article 13*

1. The Congress adopts its own Rules of Procedure which also concerns the Chambers. In particular, each set of rules shall provide for:
  - a.* the modalities for assessing compliance with the criteria of Article 2.2 of the Charter;
  - b.* a quorum;
  - c.* questions concerning the right to vote and the majorities required, it being understood that the recommendations and opinions addressed to the Committee of Ministers and the Parliamentary Assembly, and also recommendations addressed to a country following observation of local or regional elections, shall be adopted by a majority of two-thirds of the votes cast;
  - d.* the procedure for the election of the President of the Congress and the president and vice-presidents of each Chamber;
  - e.* the procedure for the establishment of the agenda and its transmission to members;
  - f.* the organisation of the work of the committees and of the ad hoc working groups.
2. Moreover, the rules of the Congress shall provide for the time-limit and method of notification of the names of representatives and substitutes and the procedure for the examination of their credentials, by taking into account in particular Articles 2, 3 and 7 of the present Charter.

*Article 14*

1. The Congress shall elect its president from the members, who are representatives, of each Chamber on an alternating basis. The president shall remain in office for two years.
2. Each Chamber of the Congress shall elect from among its representatives a president who shall remain in office for two years.

*Article 15*

1. The Secretariat of the Congress shall be provided by the Secretary General of the Congress, elected by the Congress. The Secretary General of the Congress shall be answerable to the Congress and its organs and act under the authority of the Secretary General of the Council of Europe. Candidates shall be free to submit their applications directly to the Secretary General of the Council of Europe, who will transmit them to the President of the Congress, together with his or her opinion. Following examination of these candidatures, the Bureau shall submit a list of candidates to the vote of the Congress. The Statutory Forum, on behalf of the Congress, shall establish the procedure for the election of the Secretary General of the Congress, in order to clarify points which are not dealt with in the current Charter.
2. The Congress shall elect its Secretary General for a renewable term of five years, although he or she may not exceed the age limit applicable to all Council of Europe staff.
3. The Secretary General of the Council of Europe shall appoint a Director, following consultation of the Bureau of the Congress.
4. The Secretariat of each Chamber shall be provided by the Executive Secretary of the Chamber who is appointed by the Secretary General of the Council of Europe after an informal exchange of views with the president of the Chamber concerned, during which he or she shall communicate his or her intentions and the reasons for his or her choice.

*Article 16*

1. The Committee of Ministers shall adopt the budget of the Congress, as part of the Ordinary Budget of the Council of Europe.
2. This budget shall be designed, in particular, to cover the expenditure occasioned by the Congress sessions, by the meetings of the two Chambers and Congress organs, and by all other clearly identifiable expenditure linked to the activities of the Congress. For plenary sessions, only the participation costs of representatives shall be defrayed by this budget.
3. The budget of the Congress shall constitute a specific vote of the Council of Europe budget.
4. The Congress shall inform the Secretary General of the Council of Europe and the Committee of Ministers of its budgetary needs. Its requests shall be examined in the general context of the draft budget presented by the Secretary General of the Council of Europe.
5. The rates and methods of calculating Congress members' per diem allowances shall be subject to a specific decision by the Committee of Ministers.
6. The budget of the Congress (apart from the remuneration of permanent staff and the amounts allocated to political groups) shall constitute a package which the Bureau of the Congress will be responsible for managing. However, the Bureau shall abide by the financial regulations of the Council of Europe and see to it that the necessary funds are earmarked for the functioning of the statutory bodies of the Congress and of the two Chambers. It may not exceed the limit of the overall budgetary provision allocated to the Congress.

## APPENDIX VII – RELATIONS WITH NON-GOVERNMENTAL ORGANISATIONS<sup>1</sup>

### A. Rules for participatory status

*Resolution Res(2003)8 – Participatory status for international non-governmental organisations with the Council of Europe*

**(Adopted by the Committee of Ministers on 19 November 2003 at the 861st meeting of the Ministers' Deputies)**

The Committee of Ministers,

Recalling the Council of Europe statutory aim to achieve a closer unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage, and facilitating their economic and social progress;

Bearing in mind the missions entrusted to the Council of Europe by the Vienna and Strasbourg Summits and by the Budapest Declaration for a Greater Europe without Dividing Lines;

Considering that the achievement of this goal and the fulfilment of these missions cannot be realised without constant sensitivity to public opinion and to the driving forces in European society, which are constantly evolving;

Considering that the existence of an active civil society and its non-governmental organisations (hereafter NGOs), which are a vital component of European society, is an important and indispensable element of democracy;

Considering the essential role of counterbalance played by NGOs in a pluralist democracy, to intensify the active participation of all citizens in conducting public affairs, and promoting responsible democratic citizenship based on human rights and equality between women and men;

Convinced that initiatives, ideas and suggestions emanating from civil society can be considered as a true expression of European citizens;

Recalling that, in this spirit, the Council of Europe has, over the years, developed fruitful working relations with NGOs since it first created a consultative status for international nongovernmental organisations in 1952;

Considering that the system of co-operation introduced by consultative status largely permitted the development and strengthening of co-operation between the Council of Europe and the voluntary sector, giving positive and particularly encouraging results for both parties;

Considering that it is indispensable that the rules governing the relations between the Council of Europe and NGOs evolve to reflect the active participation of international non-governmental organisations (INGOs) in the Organisation's policy and work programme, and to facilitate INGO participation and access to such bodies as the steering committees and governmental expert committees, and other subsidiary bodies of the Committee of Ministers. This participation will allow the INGOs to continue to draw the Council of Europe's attention to the effects of changes in European societies and the problems facing them;

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1. See also Statutory Resolution (51) 30 p. 16 above.

Noting that the development and reinforcement of this co-operation between INGOs and the Committee of Ministers and its subsidiary bodies, as well as with the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe has led to the “Quadrilogue” which is, within the Council of Europe, an expression of democratic pluralism and an essential element for the further development of a citizens’ Europe;

Wishing, through the present rules, to reflect the active and constructive role of NGOs, and to clarify, facilitate and intensify the co-operation between the Council of Europe and the INGOs, in particular underlining its participatory character;

Recognising the important role to be played by the Liaison Committee as the democratically elected representative body of all of the INGOs enjoying participatory status with the Council of Europe, and by the INGO thematic groupings as their collective voice and, thus, of millions of European citizens, working in each of the fields represented by them;

Recognising the importance of the co-operation between the Council of Europe and national NGOs, provided for in Resolution Res(2003)9 on the status of partnership between the Council of Europe and national NGOs;

Hereby decides to adopt the rules for participatory status appended to this resolution which replace the rules for consultative status established by Resolution (93) 38.

*Appendix to Resolution Res(2003)8*

*Rules for participatory status for INGOs at the Council of Europe*

1. The Council of Europe may establish working relations with INGOs by granting them participatory status.

*Conditions to be met by INGOs*

2. Participatory status may be granted by the Council of Europe to INGOs:
  - a. which are particularly representative in the field(s) of their competence, fields of action shared by the Council of Europe;
  - b. which are represented at European level, that is to say which have members in a significant number of countries throughout greater Europe;
  - c. which are able, through their work, to support the achievement of that closer unity mentioned in Article 1 of the Council of Europe’s Statute;
  - d. are capable of contributing to and participating actively in Council of Europe deliberations and activities;
  - e. which are able to make known the work of the Council of Europe among European citizens.

*Modalities of co-operation*

3. The INGOs with participatory status may be invited to be represented by the Liaison Committee or the thematic groupings at events organised by the Secretariat General.

4. The steering committees, committees of governmental experts and other bodies of the Committee of Ministers, may involve the INGOs enjoying participatory status in the definition of Council of Europe policies, programmes and actions in particular by granting observer status to the Liaison Committee and to the INGO thematic groupings, in accordance with the terms of Committee of Ministers' Resolution (76) 3.
5. The committees of the Parliamentary Assembly and of the Congress of Local and Regional Authorities of Europe are invited to study ways of intensifying co-operation with and facilitating INGO participation in their work, for example by granting observer status or by inviting the Liaison Committee or INGO thematic groupings to provide their expertise.
6. The Commissioner for Human Rights is also encouraged to maintain close co-operation with the INGOs enjoying participatory status.
7. Additionally, considering their role as advisers in questions concerning civil society, the Secretary General may consult the INGOs, the Liaison Committee or the INGO thematic groupings, in writing or by means of a hearing, on questions of mutual interest.
8. The INGOs enjoying participatory status:
  - a. may address memoranda to the Secretary General for submission to the committees mentioned above, as well as to the Commissioner for Human Rights;
  - b. may be invited to provide, through their specific activity or experience, expert advice on Council of Europe policies, programmes and actions;
  - c. shall receive the agenda and public documents of the Parliamentary Assembly in order to facilitate their attendance at public sittings of the Parliamentary Assembly;
  - d. shall be invited to public sittings of the Congress of Local and Regional Authorities of Europe;
  - e. shall be invited to activities organised for them by the Secretariat;
  - f. shall be invited to attend seminars, conferences, colloquies of interest to their work according to the applicable Council of Europe rules.
9. The INGOs enjoying participatory status shall undertake to:
  - a. keep themselves regularly informed of Council of Europe activities and developments in standards by means of the numerous sources of information available, including the Internet;
  - b. furnish, either spontaneously or at the request of the Council of Europe's different bodies, information, documents or opinions relating to their own field(s) of competence on matters which are under consideration or which could be addressed by the Council of Europe;
  - c. work to promote the respect of the Council of Europe's standards, conventions and legal instruments in the member states, and assist in the implementation of these standards, and this in close contact with local, regional and national NGOs;
  - d. give maximum publicity to the initiatives and achievements of the Council of Europe in their own field(s) of competence;
  - e. disseminate information on Council of Europe standards, instruments and activities, as well as information from the INGO thematic groupings, to their members, on a regular basis, and ensure that they too work actively to fulfil the requirements of the participatory status;
  - f. submit every four years a report to the Secretary General which should specify:

- their participation in the work of the various Council of Europe bodies (see paragraphs 4 and 6 of this appendix), the capacity in which they attended and their contribution;
- their attendance at events organised by the Secretariat General, the capacity in which they attended, the contribution they made and any follow-up action;
- their attendance at and contributions to the meetings of the INGO thematic groupings;
- any meetings which they themselves have organised, in particular those which have dealt with the promotion of the Council of Europe's aims, standards and legal instruments;
- any action they have undertaken with a view to ensuring respect of Council of Europe standards and to publicising its work.

*Procedure for the granting of participatory status*

10. The Secretary General shall keep the list of INGOs enjoying participatory status with the Council of Europe.

11. Any INGO wishing to be entered on this list shall submit to the Secretary General of the Council of Europe three copies of an application, in French or English, and, preferably, in both of these official languages of the Council of Europe, which must contain the following documents:

- a.* the INGO's statute;
- b.* a list of its member organisations with a French or English translation of the title of these organisations as well as an approximate number of members of each of these organisations;
- c.* a report on its activities covering the previous two years;
- d.* a declaration to the effect that it accepts the principles set out in the statute and other basic texts of the Council of Europe;
- e.* the official application form on which it states clearly:
  - why it is applying for participatory status with the Council of Europe;
  - how it considers it will be able to contribute to and participate in the activities of the Council of Europe (as set out in its current programme of activities);
  - in what way it feels able to make such a contribution (studies, reports, previous work in the field concerned, expertise of its members in the area concerned, etc.);
  - what practical co-operation has already been established with the Council of Europe departments concerned;
  - by what means and to which audience it would publicise the work of the Council of Europe.

12. The decision to grant participatory status to an INGO shall be taken by the Secretary General of the Council of Europe based on the criteria mentioned above. The Secretary General may also take into consideration the main priorities of the Council of Europe's programme of activities and the possible proliferation of INGOs in a given sector of activity.

13. The Secretary General will communicate the list of INGOs to which he or she intends to grant participatory status to the INGO Liaison Committee for its opinion. The INGO Liaison Committee's opinion must be expressed within two months of the Secretary General's Communication.

14. At the end of this time-limit, the decision of the Secretary General will be submitted for tacit approval to the Committee of Ministers, to the Parliamentary Assembly and to the Congress of Local and Regional Authorities. This decision will be accompanied by the names of the INGOs concerned, those items from the relevant files which are necessary for the assessment of each case, the Secretary General's reasons for suggesting they be added to the list, as well as any comments received from the Liaison Committee. In the absence of any objection founded on the conditions set out in paragraph 15 below, the said INGOs will be added three months later to the list of those enjoying participatory status.

15. During the three-month period, a member of the Committee of Ministers or ten members of the Parliamentary Assembly from five different national delegations or ten members of the Congress of Local and Regional Authorities of Europe from five different national delegations may request that an examination be made of the file of any applicant INGO. In the former case, the examination shall be made and the decision to add the name to the list shall be taken by the Committee of Ministers. In the latter case, the Committee of Ministers shall defer its decision until it has received a recommendation from the Parliamentary Assembly or the Congress of Local and Regional Authorities of Europe acting on a report from their competent committees.

#### *Withdrawal of participatory status*

16. Any INGO already on the list may be removed from it by the Secretary General if, in his or her opinion:

- a.* it has failed to comply with its obligations under the rules set out in paragraphs 2 and 9 above;
- b.* it is represented twice as a result of affiliation to a larger organisation working in the same field of activity which is itself on the list;
- c.* no longer has any activity included in the Council of Europe's work programme;
- d.* it has taken any action which is not in keeping with its status as an INGO.

To this end, the Secretary General shall review periodically the list of INGOs with participatory status. The review shall be based on the report submitted by the INGOs every four years.

However, the Secretary General shall first inform the INGO in question of his or her intention to withdraw its participatory status in order to give it an opportunity to present its observations within two months.

17. The reasoned decision to remove an organisation from the list shall be taken by the Secretary General of the Council of Europe in accordance with the above rules.

18. The Secretary General will communicate the list of INGOs from which he or she intends to withdraw participatory status to the INGO Liaison Committee for its opinion. The Liaison Committee's opinion must be expressed within two months of the Secretary General's communication.

19. At the end of this time limit, the decision of the Secretary General will be submitted for tacit approval to the Committee of Ministers, to the Parliamentary Assembly and to the Congress of Local and Regional Authorities. This decision will be accompanied by the names of the INGOs concerned and his or her reasons for suggesting they be removed from the list of those enjoying participatory status, as well as any comments received from the Liaison Committee. In the absence of any objection founded on the conditions described in paragraph 15 above, the names of the INGOs that have thus been communicated shall be removed from the list three months later.

20. During the three-month period, a member of the Committee of Ministers or ten members of the Parliamentary Assembly from five different national delegations or ten members of the Congress of Local and Regional Authorities of Europe from five different national delegations may request that an examination be made of the file of each INGO whose name has been communicated to them. In the former case, the examination shall be made and the decision to remove the name from the list shall be taken by the Committee of Ministers. In the latter, the Committee of Ministers shall defer its decision until it has received a recommendation from the Parliamentary Assembly or the Congress of Local and Regional Authorities of Europe acting on a report from their competent committees.

#### *Sundry provisions*

21. The procedures described above shall not restrict the right of the Council of Europe bodies to initiate any action concerning other NGOs in pursuance of their respective rules of procedure. It should also not prevent the Secretariat of the Council of Europe from considering practical co-operation on an ad hoc basis with other NGOs in any field of mutual interest.

22. An INGO whose application has been refused or which has been removed from the list of those enjoying participatory status may submit a fresh application only after a period of two years following the date of the decision.

23. The present rules will enter into force following their adoption by the Committee of Ministers. From that date, the INGOs enjoying consultative status will have participatory status.

24. The INGOs enjoying participatory status will be required to submit their first report four years after the entry into force of these rules.

### **B. Status of partnership**

#### *Resolution Res(2003)9 – Status of partnership between the Council of Europe and national non-governmental organisations*

**(Adopted by the Committee of Ministers on 19 November 2003 at the 861st meeting of the Ministers' Deputies)**

The Committee of Ministers,

Recalling the Council of Europe statutory aim to achieve closer unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage, and facilitating their economic and social progress;

Bearing in mind the missions entrusted to the Council of Europe by the Vienna and Strasbourg Summits and by the Budapest Declaration for a Greater Europe without Dividing Lines;

Considering that the achievement of this goal and the fulfilment of these missions cannot be realised without constant sensitivity to public opinion and to the driving forces in European society, which are constantly evolving;

Considering that the existence of an active civil society and its non-governmental organisations (hereafter NGOs), which are a vital component of European society, is an important and indispensable element of democracy;

Considering the essential role of counterbalance played by NGOs in a pluralist democracy, to intensify the active participation of all citizens in conducting public affairs, and promoting responsible democratic citizenship based on human rights and equality between women and men;

Convinced that initiatives, ideas and suggestions emanating from civil society can be considered as a true expression of European citizens;

Recalling that, in this spirit, the Council of Europe has, over the years, developed fruitful working relations with NGOs since it first created a consultative status for international nongovernmental organisations in 1952;

Considering the need to support the development and consolidation of a strong civil society attached to democratic values;

Recognising that a number of activities in the Council of Europe's Programme of Activities have been carried out in partnership with national and international NGOs, reflecting not only a general effort to strengthen a democratic and open society, but also the extent to which civil society itself has developed in those countries;

Wishing, through the present rules, to take account of the active and constructive role of national NGOs in the implementation of the Council of Europe's Programme of Activities, and to recognise this co-operation, in particular by underlining its partnership character;

Wishing, therefore, to complement Resolution Res(2003)8 on participatory status for international NGOs at the Council of Europe;

Hereby decides to adopt the rules for the partnership between the Council of Europe and national NGOs, as appended to this Resolution.

#### *Appendix to Resolution Res(2003)9*

##### *Rules for the partnership between the Council of Europe and national NGOs*

1. The Council of Europe may establish working relations with national NGOs by concluding partnership agreements.

##### *Conditions to be met by national NGOs*

2. Partnership agreements may be established by the Council of Europe with national NGOs:

- a. which are particularly representative in the field(s) of their competence, fields of action shared by the Council of Europe;
- b. which are able, through their work, to support the achievement of that closer unity mentioned in Article 1 of the Statute of the Council of Europe;
- c. which are able to make known the work of the Council of Europe in their country.

*Modalities of co-operation*

3. Partnership agreements may be concluded by the Council of Europe with national NGOs:
  - a. which are capable of contributing, through a specific project or programme, to the implementation of its programme of activities, in particular those aimed at the development and consolidation of democratic stability;
  - b. which are capable of contributing, through a specific event or manifestation linked to a Council of Europe field of activity, to public awareness-raising and/or strengthening of the European idea;
  - c. which are capable of providing, through their specific activity or experience, expert advice on the definition of Council of Europe policies, programmes and actions.
4. The national NGOs with which partnership agreements have been concluded:
  - a. have the possibility to attend the public sittings of the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe;
  - b. have the possibility to attend seminars, conferences and hearings of interest to their work according to the applicable Council of Europe rules;
  - c. regularly disseminate information to their members on the standards, activities and achievements of the Council of Europe in their own field(s) of competence;
  - d. furnish, either spontaneously or at the request of the Council of Europe's different bodies, information, documents or opinions relating to their own field(s) of competence.

*Procedure for partnership agreements*

5. The Secretary General keeps the list of national NGOs with which partnership agreements have been concluded.
  - a. He or she may enter on this list all national NGOs with which the Council of Europe has specific agreements for the implementation of programmes, projects or events falling within the Council of Europe's programme of activities, and in particular those aiming at the development and consolidation of democratic stability.
  - b. The list shall be updated every two years and shall be communicated to the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities of Europe, the Commissioner for Human Rights and the Liaison Committee of the International NGOs enjoying participatory status with the Council of Europe.
  - c. The Secretary General may remove from the list those national NGOs having ceased their partnership relations with the Council of Europe or not fulfilling their obligations under the abovementioned agreements.

*Statutory resolutions*

*Sundry provisions*

6. The present rules will enter into force following their adoption by the Committee of Ministers for an initial period of five years after which the implementation of this Resolution shall be evaluated.

**APPENDIX VIII – EXTRACTS FROM THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE<sup>1</sup> AND FROM THE PROTOCOL THERETO<sup>2</sup>**

*GENERAL AGREEMENT*

**(Extracts) PART V**

**Representatives to the Consultative (Parliamentary) Assembly<sup>3</sup>**

*Article 13*

No administrative or other restriction shall be imposed on the free movement to and from the place of meeting of Representatives to the Consultative (Parliamentary) Assembly and their Substitutes.

Representatives and their Substitutes shall, in the matter of customs and exchange control, be accorded:

- a.* by their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;
- b.* by the Governments of other Members, the same facilities as those accorded to representatives of foreign Governments on temporary official duty.

*Article 14*

Representatives to the Consultative (Parliamentary) Assembly and their Substitutes shall be immune from all official interrogation and from arrest and all legal proceedings in respect of words spoken or votes cast by them in the exercise of their functions.

*Article 15*

During the Sessions of the Consultative (Parliamentary) Assembly, the Representatives to the Assembly and their Substitutes, whether they be members of Parliament or not, shall enjoy:

- a.* on their national territory, the immunities accorded in those countries to members of Parliament;<sup>4</sup>
- b.* on the territory of all other Member States, exemption from arrest and prosecution.

This immunity also applies when they are travelling to and from the place of meeting of the Consultative (Parliamentary) Assembly. It does not, however, apply when Representatives and their Substitutes are found committing, attempting to commit, or just having committed an offence, nor in cases where the Assembly has waived the immunity.

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1. signed at Paris, on 2 September 1949

2. signed at Strasbourg on 6 November 1952

3. See Rule 67 of the Assembly's Rules of Procedure and the footnote to article 10 of the Statute of the Council of Europe.

4. See Rule 67.7 of the Assembly's Rules of Procedure

*PROTOCOL*

**(Extracts)**

*Article 3*

The provisions of Article 15 of the Agreement shall apply to Representatives to the Assembly, and their Substitutes, at any time when they are attending or travelling to and from, meetings of Committees and Sub-Committees of the Consultative (Parliamentary) Assembly, whether or not the Assembly is itself in Session at such time.

*Article 4*

The permanent representatives of Members of the Council of Europe shall, while exercising their functions and during their journey to and from the place of meetings, enjoy the privileges, immunities and facilities normally enjoyed by diplomatic envoys of comparable rank.

*Article 5*

Privileges, immunities and facilities are accorded to the representatives of Members not for the personal benefit of the individuals concerned, but in order to safeguard the independent exercise of their functions in connection with the Council of Europe. Consequently, a Member has not only the right but the duty to waive the immunity of its representative in any case where, in the opinion of the Member, the immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded.

