

Secretariat memorandum on the admission of new member States to the Council of Europe (13 July 1962)

Caption: Memorandum dated 13 July 1962 from the Secretariat-General of the Council of Europe outlining the official procedure for the admission of new member States to the organisation.

Source: Admission of new Members to the Council of Europe. Official procedure, Memorandum by the Secretariat (prepared by the Secretary of the Committee of Ministers). CM (62) 155. Strasbourg: Council of Europe - Committee of Ministers, 13.07.1962. 3 p.

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Memorandum by the Secretariat of the Council of Europe (Strasbourg, 13 July 1962)

Admission of new members to the Council of Europe. Official procedure

1. The process of accession is begun when the Committee of Ministers expresses its intention to invite a State to become a Member of the Council of Europe.

The invitation is addressed to a "European State which is deemed to be able and willing to fulfil the provisions of Article 3" (Article 4 of the Statute).

2. In pursuance of the provisions of Statutory Resolution (51) 30 A, the Committee of Ministers, before inviting any European State to become a Member of the Council, consults the Assembly with regard to the invitation itself and, with a view to amending Article 26 of the Statute, to the number of Representatives to which the new Member will be entitled.

3. After the Assembly has taken a decision, the Committee of Ministers adopts a resolution expressing its decision to invite the State concerned to become a Member of the Council and instructing the Secretary-General to inform the Government of that State accordingly.

According to the established procedure, this Resolution, in pursuance of Article 6 of the Statute, specifies the number of Representatives to the Consultative Assembly to which the State will be entitled and the amount of its contribution for the current financial year and that of its contribution to the working capital fund.

4. In pursuance of the instructions given to him by the Committee of Ministers in the Resolution referred to in paragraph 3 above, the Secretary-General informs the Government of the country concerned of the invitation of the Committee of Ministers.

5. The new Member deposits the instrument of accession with the Secretary-General.

From that moment the State concerned is a Member of the Council of Europe, but the procedure involves two further steps, in one of which the new member State may participate.

6. The Committee of Ministers adopts a Resolution amending Article 26 of the Statute.

7. The Secretary-General prepares and communicates to governments the ad hoc official record of the approval by the Committee of Ministers and the Assembly of the amendment to Article 26 of the Statute.

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The powers of the Committee of Ministers and Consultative Assembly referred to in this memorandum may, if necessary, be replaced by those of the Ministers' Deputies and the Standing Committee respectively.

In this connexion, Rule 2 of the Rules of Procedure for meetings of the Ministers' Deputies provides as follows:

"1. The Ministers' Deputies are competent to discuss all matters within the competence of the Committee of Ministers.

2. Decisions taken by the Deputies in virtue of the authority given to them by the Ministers by whom they are appointed are considered as taken on behalf of the Committee of Ministers and have the same force and effect as decisions of the Committee.

3. The Deputies are not, however, competent to take decisions on matters which, in the view of one or more deputies, involve important questions of policy or on matters such as those referred to in paragraph 3 of Article 8 on which unanimity has not been achieved." (1)

Rule 39 of the Rules of Procedure of the Assembly provides in paragraph 4 that:

"The Standing Committee shall be responsible for ensuring the continuity of action of the Assembly and, when the occasion arises, shall act on its behalf."

It is important to note that paragraph 3 of the same Rule stipulates that "The Committee ... may not meet when the Assembly is itself in session."

The provisions of the Rules of Procedure of the Deputies, taken in conjunction with those of the Assembly, therefore make it possible for a State to be admitted to the Council of Europe, should the occasion arise, when neither the Committee of Ministers nor the Consultative Assembly is in session.

(1) Rule 8, para. 3: "The following decisions require a unanimous vote of the Deputies casting a vote and of a majority of the Deputies entitled to vote:

....

....

(f) Decisions about the admission of new Members."

A decision by the Ministers' Deputies to admit a State to the Council of Europe must therefore be taken unanimously.