COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

Resolution Res(2005)47
on committees and subordinate bodies, their terms of reference and working methods

(Adopted by the Committee of Ministers on 14 December 2005
at the 951st meeting of the Ministers' Deputies)

The Committee of Ministers,

Having regard to the decision taken by the Ministers' Deputies at their 881bis meeting (21 April 2004, item 1.6) concerning the conclusions of the Working Party on Institutional Reforms (GT-.REF.INST) on the role of Ministerial Sessions, Ministers' Deputies, Conferences of Specialised Ministers and Steering Committees in setting priorities and follow-up of implementation (CM(2004)60 revised);

Having regard to Resolution Res(2003)8 on the participatory status for international non-governmental organisations with the Council of Europe;

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

Having regard to Statutory Resolution (93) 26 on Observer Status;

Having regard to Resolution Res(2001)6 on access to Council of Europe documents;

In pursuance of Articles 16 and 17 of the Council of Europe Statute;

Resolves as follows:

I. Scope of this resolution

1.1 This resolution shall apply to all committees and bodies set up by the Committee of Ministers, or with its authorisation, by virtue of Article 17 of the Council of Europe Statute.

1.2 This resolution shall also apply *mutatis mutandis* to all committees created outside the scope of Article 17, if not otherwise indicated and in the absence of specific rules.

1.3 All references to the Secretary General in this resolution shall be subject to the relevant provisions of the Statute of the Council of Europe, the Staff Regulations and the rules on delegation of authority.

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II. Categories of committees[1]

There shall be two categories of committees:

2.1 Committees answerable to the Committee of Ministers:

i. Steering committees with planning and steering functions;

ii. Ad hoc committees with a more focused task.

[1] Unless specified otherwise, the term "committee" refers to steering and ad hoc committees and their subordinate bodies.

2.2 Subordinate bodies set up by a committee answerable to the Committee of Ministers:

i. Committees of Experts;
ii. Ad hoc advisory groups.

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III. Composition

3.1 Members

3.1.a Committees answerable to the Committee of Ministers:

i. Steering committees

Governments of member states are entitled to designate a representative[2] of the highest possible rank in the relevant field.

ii. Ad hoc committees

Governments of member states are entitled to designate a representative[3] of the highest possible rank in the relevant field.

3.1.b Subordinate bodies set up by committees answerable to the Committee of Ministers:

i. Committees of Experts

Governments of member states are entitled to designate a member[3] in the relevant field.

ii. Ad hoc advisory groups

Groups of Specialists, of limited composition, not necessarily drawn from the parent committee.

3.2 Participants

3.2.1. Participants include any representatives of steering committees or other bodies of the Council of Europe engaged in related work, as well as the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the Council of Europe Commissioner for Human Rights and the Conference of INGOs of the Council of Europe.

3.2.2. Participants shall have no right to vote. Financial arrangements are the responsibility of the sending body.

3.3 Other participants

3.3.1. Other participants in committees are defined as representatives designated by states which have observer status with the Council of Europe, the European Union, intergovernmental organisations and any other entities (social partners) which, by virtue of the resolutions and decisions adopted by the Committee of Ministers or agreements signed and arrangements made, have been authorised (subject to paragraph 3.3.3) to participate in the meetings of steering and ad hoc committees.

3.3.2. Other participants shall have no right to vote nor defrayal of expenses.

3.3.3. Access of other participants to steering and ad hoc committees shall be granted upon their request to the Secretary General.

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[2] Where necessary, a member state is entitled to designate more than one representative.

3.3.4. Access of other participants to subordinate committees is at the discretion of the committee concerned.

3.4 Observers

Observers shall be those not qualifying as ‘members’, ‘participants’ or ‘other participants’. They shall have no right to vote nor defrayal of expenses. They shall be admitted to steering and ad hoc committees in the following manner:

a. As a general rule, upon their request to the Secretary General, observers are admitted, to steering and ad hoc committees or any subordinate body answerable to them, on the basis of a unanimous decision by that steering or ad hoc committee; in the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the committee concerned. The Committee of Ministers shall decide on the matter by two-thirds majority of all the representatives entitled to sit on it;

b. Concerning special cases, such as the admission of non-member states without observer status to the Council of Europe, and any other case which may necessitate a political decision, the Secretary General shall refer the matter to the Committee of Ministers. This decision shall be taken by a two-thirds majority of all the representatives entitled to sit on it.

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IV. Terms of reference

4.1 By “terms of reference” shall be understood all directives relating to a committee's activities.

4.2 All committees and subordinate bodies shall have terms of reference.

4.3 The terms of reference of committees and subordinate bodies shall be approved by the Committee of Ministers.

4.4 All terms of reference shall be delimited in time.

4.5 Terms of reference of subordinate bodies shall not exceed 3 years, unless there is a decision by the Committee of Ministers.

4.6 Terms of reference for a committee and a subordinate body set up within the framework of the Programme of Activities shall include:

i. reference to the Programme of Activities: details of programmes, projects, expected results for which it is responsible;

ii. relevance to the core values of the Council of Europe and the decisions adopted by the Committee of Ministers;

iii. where appropriate, its planning and advisory function;

iv. where appropriate, one or more sets of terms of reference derived from a convention;

v. tasks and completion date;

vi. particulars of the qualifications persons invited to become members of the committee should preferably possess;

vii. members (see para. 3.1) and details concerning the repayment of members' travelling and subsistence expenses by the Council of Europe, as stipulated in the Appendix to this resolution;

viii. participants: any other steering committees or other organs of the Council of Europe engaged in related work (also in para 3.2);

ix. other participants (see 3.3);

x. observers (see 3.4);

xi. consultants;

xii. hearings.

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V. Planning, monitoring and evaluation function of committees

5.1 Steering and ad hoc committees advise the Committee of Ministers and the Secretary General on the priorities and other matters with regard to their sectors, in particular, on the relevance of activities/projects in line with criteria adopted by the Committee of Ministers.

5.2 For committees set up within the framework of the Programme of Activities, the Secretariat shall:

a. inform committees on the projects and programmes under their sphere of responsibility and budgetary appropriations in the Programme of Activities as well as the annual and mid-term priorities of the Organisation;

b. in respecting the confidentiality rules belonging to each of them, regularly inform the committees on the results of monitoring mechanisms and procedures (for example Line of Action 1 of the Programme of Activities) that may have an impact on their future work;

c. distribute the annual evaluation report of the Programme of Activities to the members of the committees which shall examine, discuss and report on the parts within their area of responsibility;

d. regularly inform the committees on the targeted dissemination and support programmes developed and implemented within the sphere of their responsibility.

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VI. Working methods

6.1 Procedure for committees and subordinate bodies shall be governed by the Rules of Procedure set out in Appendix 1 to this resolution.

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VII. Documents and meeting reports

7.1 The Secretary General shall be responsible for preparing and distributing documents to be discussed by committees, as well as drafting of the reports of their meetings, unless otherwise expressly provided for by the Committee of Ministers.

7.2 Concerning meeting reports:

7.2.1. Meeting reports done by committees for the Ministers' Deputies shall include an evaluation of completed activities and a presentation of on-going and planned work, together with the identification of its source and deadlines, as well as proposals for future activities and identification of activities that might be brought to term.

7.2.2. Committees shall adopt abridged meeting reports before the end of the meeting.

7.2.3. The meeting report itself shall be published, in both official languages, no later than one month after the last meeting day of the committee.

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VIII. Compendium of terms of reference

The Secretariat shall compile and keep up to date "Compendium of Terms of Reference" containing:

a. this Resolution Res(2005)47 and any subsequent amendments to it;

b. Resolution Res(2004)25 on service contracts of consultants;

c. the terms of reference of committees;

d. the terms of reference of subordinate bodies;

e. the terms of reference derived from conventions, or special statutes given to committees set up under them;

f. any other decision and messages of the Committee of Ministers or the Secretary General relating to terms of reference.

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IX. Convening of committees and subordinate bodies

The Secretary General shall convene meetings of committees and subordinate bodies in accordance with, in particular, the following rules:

a. Meetings shall be convened in accordance with the authorisation given by the Committee of Ministers and with the general practices of good management. The Secretary General shall ensure that meetings are planned, convened and serviced as efficiently and economically as possible; except on grounds of urgency, which shall be duly explained, notice of meetings shall be circulated at least six weeks before the proposed date.

b. All committees shall be convened by a single procedure. Notice of meetings shall be sent to nominees specified by the Permanent Representations or in the absence of such a known nominee, to the Permanent Representation concerned. Nominees specified by Permanent Representations will remain valid until any change is notified or confirmed by them. The Convocation shall specify the name of the committee, the place, date and opening time of the meeting, its probable duration, the subjects to be dealt with and the list of participants of previous meeting. When appropriate, it shall contain an invitation to nominate a member and the indication of the qualifications he/she should preferably possess.

c. Permanent Representations shall receive a copy of the convocation of committees and of their subordinate bodies.

d. The Secretariat shall make available the draft agenda, a provisional list of working papers and the working papers themselves to the nominees, or in the absence of such a nomination, to the Permanent Representation concerned, at least 20 days before the opening of the meeting. This documentation shall be made available to the Permanent Representations. Use should be made of information technology whenever possible.

e. Analogous arrangements to these shall apply to the participants, other participants and observers.

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X. Co-ordination

10.1 The Secretary General shall ensure that each committee is informed about activities of other committees which may have implications for the execution of its own terms of reference.

10.2 Co-ordination between the Ministers' Deputies and committees:

- the Chairs of committees may be invited, whenever necessary, to take part in meetings of the Deputies' relevant Rapporteur Groups/Rapporteurs, to discuss the evaluation of activities, present on-going work and prospects for future activities, in line with the priorities of the Organisation;

- the Chairs of the relevant Rapporteur Groups/Rapporteurs may be invited to meetings of committees when it is deemed that this is of importance to the respective sector activity.

10.3 The Secretary General shall inform the committees without delay of general guidelines issued by the Ministers' Deputies as regards the content, modalities of implementation and evaluation of the intergovernmental work.

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XI. Entry into force of this resolution

The resolution will enter into force on 1 January 2006 and repeals and replaces Resolution (76) 3.

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Appendix 1 to Resolution Res(2005)47

Rules of procedure for Council of Europe committees[3]

Article 1 – Agenda

a. The Secretary General shall draw up the draft agenda for a meeting. If the Chair of the committee has already been appointed, she/he shall be consulted in advance.

b. The agenda shall be adopted by the committee at the beginning of its meeting.

Article 2 – Documentation

Documents requiring a decision, whether originating from the Secretariat or from a member, shall be sent, in the official languages (cf. Article 6 below), to members at least three weeks before the opening of the meeting at which the decision is to be taken. In exceptional cases, however, the committee may, if no member objects, consider a document submitted later. Use should be made of information technology whenever possible.

Article 3 – Privacy of meetings

Meetings shall not be held in public.

Article 4 – Hearings

Committees and subordinate bodies may decide to organise hearings with NGOs and other third parties in a position to contribute to their work, within the limits of available budgetary appropriations.

Article 5 – Quorum

There shall be a quorum if two-thirds of the members of the committee are present.

[3] Unless specified otherwise, the term 'committee' refers to steering and ad hoc committees and their subordinate bodies.

Article 6 – Official languages

a. The official languages of the committee shall be those of the Council of Europe.

b. The Secretary General may decide, in particular, in the case of steering and ad hoc committees, to provide for interpretation into one additional language other than official languages, within the limits of available budgetary appropriations.

c. A committee member may speak in a language other than the official languages, in which case she/he must herself/himself provide for interpretation into one of the official languages.

d. Any document drafted in a language other than the official languages shall be translated into one of the official languages, the member from whom it originates being responsible for making the necessary arrangements.

Article 7 – Proposals

a. Any proposal must be submitted in writing in one official language if a committee member so requests. In that case it shall not be discussed until it has been circulated.

b. Proposals made by participants (cf. § 3.2), other participants (cf. § 3.3) and observers (cf. § 3.4) may be put to the vote if sponsored by a committee member (cf. Article 11 – Voting).

Article 8 – Order of voting on proposals or amendments

a. Where a number of proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted. In case of doubt, the Chair shall decide.

b. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more amendments to the same proposal are presented, the committee shall vote first on whichever departs furthest in substance from the original proposal. It shall then vote on the next furthest removed from the original proposal, and so on until all the amendments have been put to the vote. However, were the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the Chair shall decide.

c. Parts of a proposal or amendment may be put to the vote separately.

d. In the case of proposals with financial implications, the most costly shall be put to the vote first.

Article 9 – Order of procedural motions

Procedural motions shall take precedence over all other proposals or motions except points of order. They shall be put to the vote in the following order:

a. suspension of the sitting;

b. adjournment of discussion on the item in hand;

c. postponement of a decision on the substance of a proposal until a specified date.

Article 10 – Reconsideration of a question

When a decision has been taken it is only re-examined if a member of the committee so requests, and if this request receives a two-thirds majority of the votes cast.

Article 11 – Voting

a. Each member of the committee shall have one vote; however, where a government designates more than one member, only one of them is entitled to take part in the voting,

b. Subject to any contrary provisions in these Rules, voting requires the quorum (cf. Article 6). The decisions of the steering committees are taken by a two-thirds majority of the votes cast.

c. Except on procedural matters, other committees shall not take decisions by voting. They shall state their conclusions in the form of unanimous recommendations, or, if this proves impossible, they shall make a majority recommendation and indicate the dissenting opinions.

d. Procedural matters shall be settled by a majority of the votes cast.

e. Where the question arises as to whether or not a matter is procedural in nature, it may not be so regarded unless the committee decides to that effect by a majority of two-thirds of the votes cast.

f. For the purposes of these Rules "votes cast" shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.

Article 12 – Chair

a. Every committee shall elect a Chair and Vice-Chair. However, the Chair of a subordinate body may be appointed by the steering or ad hoc committee to which it is answerable.

b. The Chair shall conduct proceedings and sum up the conclusions whenever she/he thinks necessary. She/he may call to order a speaker who departs from the subject under discussion or from the committee's terms of reference. The Chair shall retain the right to speak and to vote in her/his capacity as a member of the committee, except in cases where an additional national expert has been appointed to sit on that committee.

c. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside over the meeting. If the Vice-Chair is absent, the Chair shall be replaced by another member of the bureau, appointed by the latter, or where there is no bureau by a member of the committee appointed by the committee.

d. Election of the Chair and Vice-Chair shall require a two-thirds majority at the first ballot and a simple majority at the second ballot. In steering committees, the election shall be held by secret ballot, in other committees by a show of hands, unless a member of the committee requests a secret ballot.

e. The term of office of the Chair and Vice-Chair shall be one year. It may be renewed once.

Article 13 – Bureau

a. Every steering and ad hoc committee may appoint a bureau consisting of the Chair, the Vice-Chair and a limited number of other members of the committee. The number of other members shall be specified in the committee’s terms of reference. Any other committee may, if need be, appoint a bureau composed, normally, of not more than three members in addition to the Chair and Vice-Chair. The functions of the Bureau are:

- to assist the Chairman in conducting the committee's business;
- to supervise the preparation of meetings at the committee's request;
- to ensure continuity between meetings as necessary; and
- to execute other additional specific tasks delegated by its Committee.

b. Other members of the Bureau shall be appointed in the same manner as the Chair and Vice-Chair. They shall be appointed immediately after the Chair and Vice-Chair in accordance with an equitable distribution of posts, taking into account in particular, geographical distribution, gender balance and, where relevant, legal systems.

c. The term of office of such members shall be two years and may be renewed once. However, a member may, on expiry of her/his second term, be appointed Chair or Vice-Chair. In order to ensure partial replacement of the Bureau each year, the first term of at least one such member shall be limited to one year.

d. A member elected to replace another whose term of office has not expired shall complete her/his predecessor's term. The same shall apply to the offices of Chair and Vice-Chair.

Article 14 – Working methods

a. Steering and ad hoc committees and Committees of Experts meeting in plenary may appoint a rapporteur, a drafting committee or both.

b. Where necessary, in order to expedite the progress of their work, committees may entrust a limited number of committee members with a specific task to be fulfilled by their next meeting.

c. Committees and subordinate bodies may request, within the limits of budgetary appropriations, the Secretary General to have recourse where appropriate to the service of one or more consultants (cf. Resolution Res(2004)25 on service contracts of consultants).

Article 15 – Secretariat

a. The Secretary General shall provide the committee with the necessary staff, including the committee secretary, as well as with the administrative and other services it may require.

b. The Secretary General or her/his representative may at any time make an oral or written statement on any subject under discussion.

c. The committee may direct the Secretary General to prepare a report on any question relevant to the committee's work.

Article 16 – Place of convocation

a. Committees shall normally be convened at the premises of the Council of Europe in Strasbourg or at the Paris Office.

b. Exceptionally, the Secretary General may authorise, if there is no objection from the government of the state on whose territory it is intended to hold the meeting and if suitable technical facilities are available on-the-spot, to convene a committee elsewhere, in particular, in other Council of Europe premises, in accordance with the principles of sound management and within the resources available.

Article 17 – Revision

Any committee answerable directly to the Committee of Ministers may propose to that Committee either that these Rules be amended, or that certain provisions be added or others waived as far as it or a committee dependent on it is concerned.

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Appendix 2 to Resolution Res(2005)47

Details concerning the repayment of committee members' travelling and subsistence expenses by the Council of Europe

The repayment of members' travelling and subsistence expenses by the Council of Europe shall be made in the following manner:

i. Steering and ad hoc committees**.**

The travelling and subsistence expenses of one representative per member state[4] shall be borne by the Council of Europe;

ii. Committees of Experts

The travelling and subsistence expenses of either all (one representative per member state[5]) or only limited number of members, as shall be indicated in the committee's terms of reference, shall be borne by the Council of Europe;

iii. Ad hoc advisory groups

The travelling and subsistence expenses of members, whose composition shall be limited, shall be borne by the Council of Europe.

[4] Except in cases where the committee's terms of reference provide for reimbursement of the expenses of an additional expert for the country whose expert has been elected Chair and for special cases, such as the Steering Committee for Higher Education and Research, which shall also be indicated explicitly in the terms of reference.
[5] idem.