

Statutory Resolution (93) 28 the Committee of Ministers of the Council of Europe (14 May 1993)

Caption: Statutory Resolution (93) 28 of the Committee of Ministers of the Council of Europe, of 14 May 1993, on Partial and Enlarged Agreements.

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Statutory Resolution (93) 28 on Partial and Enlarged Agreements

(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;

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 non-institutionalised 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:

I. 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.

II. Decision on participation

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;
- 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.

III. 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.

IV. 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.

V. 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.

VI. 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.

VII. Transitional provisions

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

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