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Doc. 10968

22 June 2006

Accession of the Republic of Montenegro to the Council of Europe

Request for an opinion from the Committee of Ministers

*Letter by Mr Alexandre Orlov, Chairperson of the Committee of Ministers,
to Mr René van der Linden, President of the Parliamentary Assembly*

TRANSLATION

Mr President,

In accordance with the Committee of Ministers' decision expressed at the 8th Session in May 1951, to consult the Parliamentary Assembly before inviting a State to become a member or an associated member of the Council of Europe in accordance with the provisions of the Statute, I have the honour to transmit to you the decision adopted by the Ministers Deputies at their 967th meeting on 14 June 2006, concerning the Republic of Montenegro's application for membership of the Council of Europe.

Yours faithfully

Alexandre Orlov

Chairperson of the Committee of Ministers

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967th meeting 1 14 June 2006

Item 2.3b

State Union of Serbia and Montenegro

b. Request for accession from the Republic of Montenegro to the Council of Europe
(CM(2006)104 revised, 105 and 106)

Decisions

The Deputies

1. noted the letters of 6 and 12 June 2006 in which Mr Miodrag Vlahovic, Minister for Foreign Affairs of the Republic of Montenegro, informed Mr Terry Davis, Secretary General of the Council of Europe, that the Republic of Montenegro wished to become a member of the Council of Europe, to succeed to the Council of Europe conventions that had been signed and ratified by Serbia and Montenegro and to become a member of the Partial Agreements of which Serbia and Montenegro was a member;
2. stated that, in accordance with the Organisation's Statute, membership could be granted once the Committee of Ministers, after consulting the Parliamentary Assembly, had found that the conditions for membership were satisfied;
3. decided to transmit the Republic of Montenegro's application for membership to the Parliamentary Assembly for an opinion;
4. decided, as an interim measure, that the Republic of Montenegro could take part, as an observer, in all the intergovernmental committees of experts in which it expressed an interest;
5. pending the examination of the Republic of Montenegro's application for membership of the Council of Europe, decided that representatives of the Government of the Republic of Montenegro will be invited to attend the meetings of the Committee of Ministers;
6. with regard to the Republic of Montenegro's declaration of succession to the Council of Europe conventions of which Serbia and Montenegro was a signatory or party, agreed as follows:

a) that the Republic of Montenegro was either a signatory or a party, as appropriate, to the "open" conventions referred to in the appendix

to these decisions, with effect from 6 June 2006, the date of the declaration of succession;

b) concerning the Republic of Montenegro's succession to the "closed" conventions:

i. to take the relevant decisions in due course on the European Convention on Human Rights (ETS No. 5), of its Additional Protocol (ETS No. 9), its Protocols No. 4 (ETS No. 46), No. 6 (ETS No. 114), No. 7 (ETS No. 117), No. 12 (ETS No. 177), No. 13 (ETS No. 187) and No. 14 (CETS No. 194), the European Convention on the Suppression of Terrorism (ETS No. 90) and its amending Protocol (ETS No. 190), the European Charter of Local Self-Government (ETS No. 122) and the European Social Charter (revised) (ETS No. 163);

7. with regard to the Republic of Montenegro's declaration of succession to the partial agreements of which Serbia and Montenegro had been a member, agreed that:

a) its succession to the Criminal Law Convention on Corruption (ETS No. 173) made it *ipso facto* a member of the Enlarged Partial Agreement Establishing the Group of States against Corruption (GRECO);

b) its succession to the Convention on the Elaboration of a European Pharmacopoeia (ETS No. 050) made it *ipso facto* a member of the European Pharmacopoeia;

c) its succession to the European Cultural Convention made it a member of the Partial Agreement on the Youth Card for the Purpose of Promoting and Facilitating Youth Mobility in Europe;

d) the Republic of Montenegro was a member of the following partial agreements, with effect from 6 June 2006:

i. Enlarged Partial Agreement Establishing the European Commission for Democracy through Law (Venice Commission);

ii. Partial Agreement Setting up a European Support Fund for the Co-Production and Distribution of Creative Cinematographic and Audiovisual Works "Eurimages";

e) with regard to the participation of the Republic of Montenegro to the Partial Agreement of the Council of Europe Development Bank,

the notification of succession contained in the aforementioned letter of 12 June 2006 should be transmitted to the competent bodies of the Bank, in order to give to it the appropriate follow-up;

8. agreed to consider the other implications of the aforementioned decisions, including those concerning privileges and immunities, as well as the financial implications, at a subsequent meeting;

9. adopted the following statement:

: Request by the Republic of Montenegro for accession to the Council of Europe

The Committee of Ministers refers to its declaration of 24 May 2006 on the referendum organised in Montenegro on 21 May, and to the declaration of independence of the Republic of Montenegro on 3 June 2006.

The Committee of Ministers took note with satisfaction of the request for accession of the Republic of Montenegro to the Council of Europe and transmitted it : in accordance with the usual procedure : to the Parliamentary Assembly for opinion.

The Committee of Ministers welcomes the intention expressed by the authorities of the Republic of Montenegro to respect and implement the obligations and commitments contracted by the State Union of Serbia and Montenegro as a member state of the Council of Europe. The Committee of Ministers is determined to intensify co-operation with the Republic of Montenegro to this end, following the appropriate modalities.

The Committee of Ministers expressed its confidence that the authorities of Serbia and Montenegro will settle matters relating to the succession of the State Union in the same spirit of mutual understanding and co-operation which they have shown in the last few weeks, in the interest of stability and prosperity of Europe.:
