

ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΕΝ ΑΘΗΝΑΙΣ
ΤΗΣ 7 ΔΕΚΕΜΒΡΙΟΥ 1974

ΤΕΥΧΟΣ ΠΡΩΤΟΝ

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ΠΕΡΙΕΧΟΜΕΝΑ

ΝΟΜΟΘΕΤΙΚΑ ΔΙΑΤΑΓΜΑΤΑ

Ν.Δ. 215. Περὶ κυρώσεως τῶν ἐν Στρασβούργῳ ὑπογρα-
φέντων τὴν 6ην Μαΐου 1963. Πρωτοκόλλων 1. τοῦ
Δευτέρου Πρωτοκόλλου ἀφορῶντος εἰς τὴν ἀρμοδιό-
τητα τοῦ Εὐρωπαϊκοῦ Δικαστηρίου Ἀνθρωπίνων Δι-
καιωμάτων διὰ τὴν παροχὴν γνωμοδοτήσεων καὶ τοῦ
2. τοῦ Τρίτου Πρωτοκόλλου ἀφορῶντος εἰς τὰς τρο-
ποποιήσεις τῶν ἄρθρων 29, 30 καὶ 34 τῆς Σύμβασ-
εως διὰ τὴν προάσπισιν τῶν δικαιωμάτων τοῦ ἀνθρώ-
που καὶ τῶν θεμελιώδων ἐλευθεριῶν ὡς καὶ 3. τοῦ
ἐν Στρασβούργῳ τὴν 20 Ιανουαρίου 1966 ὑπογραφέν-
τος Πέμπτου Πρωτοκόλλου ἀφορῶντος εἰς τὴν τρο-
ποποιήσιν τῶν ἄρθρων 22 καὶ 40 τῆς ὡς ἄνω Συμ-
βάσεως.

Τὰ κείμενα τῶν ὡς ἄνω Πρωτοκόλλων ἔπονται ἐν πρω-
τούπῳ εἰς τὴν Ἀγγλικὴν γλῶσσαν καὶ ἐν μεταφράσει
εἰς τὴν Ἑλληνικήν :

PROTOCOL No 2.

to the Convention for the Protection of Human Rights
and Fundamental Freedoms, conferring upon the
European Court of Human Rights competence
to give advisory opinions.

The member States of the Council of Europe signatory
hereto :

Having regard to the provisions of the Convention
for the Protection of Human Rights and Fundamental
Freedoms signed at Rome on 4th November 1950
(hereinafter referred to as «the Convention») and,
in particular, Article 19 instituting, among other bodies,
a European Court of Human Rights (hereinafter
referred to as «the Court»);

Considering that it is expedient to confer upon the
Court competence to give advisory opinions subject
to certain conditions;

Have agreed as follows :

Article 1.

1. The Court may, at the request of the Committee
of Ministers, give advisory opinions on legal questions
concerning the interpretation of the Convention and
Protocols thereto.

2. Such opinions shall not deal with any question
relating to the content or scope of the rights or freedoms
defined in Section I of the Convention and in the
Protocols thereto, or with any other question which
the Commission, the Court or the Committee of Minis-
ters might have to consider in consequence of any such
proceedings as could be instituted in accordance with
the Convention.

3. Decisions of the Committee of Ministers to re-
quest an advisory opinion of the Court shall require a
two-thirds majority vote of the representatives entitled
to sit on the Committee.

Article 2.

The Court shall decide whether a request for an
advisory opinion submitted by the Committee of Minis-
ters is within its consultative competence as defined in
Article 1 of this Protocol.

Article 3.

1. For the consideration of request for an advisory
opinion, the Court shall sit in plenary session.

2. Reasons shall be given for advisory opinions of the
Court.

3. If the advisory opinion does not represent in
whole or in part the unanimous opinion of the judges
any judge shall be entitled to deliver a separate opinion.

ΝΟΜΟΘΕΤΙΚΑ ΔΙΑΤΑΓΜΑΤΑ

(1)

ΝΟΜΟΘΕΤΙΚΟΝ ΔΙΑΤΑΓΜΑ ΥΠ' ΑΡΙΘ. 215

Περὶ κυρώσεως τῶν ἐν Στρασβούργῳ ὑπογραφέντων τὴν
6ην Μαΐου 1963 Πρωτοκόλλων¹ 1. τοῦ Δευτέρου Πρω-
τοκόλλου ἀφορῶντος εἰς τὴν ἀρμοδιότητα τοῦ Εὐρω-
παϊκοῦ Δικαστηρίου Ἀνθρωπίνων Δικαιωμάτων διὰ
τὴν παροχὴν γνωμοδοτήσεων καὶ τοῦ 2. τοῦ Τρίτου
Πρωτοκόλλου ἀφορῶντος εἰς τὰς τροποποιήσεις τῶν
ἄρθρων 29, 30 καὶ 34 τῆς Σύμβασεως διὰ τὴν προ-
άσπισιν τῶν δικαιωμάτων τοῦ ἀνθρώπου καὶ τῶν θεμε-
λιώδων ἐλευθεριῶν ὡς καὶ 3. τοῦ ἐν Στρασβούργῳ
τὴν 20 Ιανουαρίου 1966 ὑπογραφέντος Πέμπτου Πρω-
τοκόλλου ἀφορῶντος εἰς τὴν τροποποίησιν τῶν ἄρθρων
22 καὶ 40 τῆς ὡς ἄνω Σύμβασεως.

Ο ΠΡΟΕΔΡΟΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

Προτάσει τοῦ Ἡμετέρου Ὑπουργικοῦ Συμβουλίου, ἀπε-
φασίσαμεν :

“Αρθρον Πρῶτον

Κυροῦνται καὶ κτῶνται ἰσχὺν νόμου τὰ ἐν Στρασβούργῳ
ὑπογραφέντα τὴν 6ην Μαΐου 1963 Πρωτόκολλα : 1. Δεύ-
τερον Πρωτόκολλον σχετικὸν πρὸς τὴν ἀρμοδιότητα τοῦ
Εὐρωπαϊκοῦ Δικαστηρίου Ἀνθρωπίνων Δικαιωμάτων διὰ
τὴν παροχὴν γνωμοδοτήσεων, 2. Τρίτον Πρωτόκολλον
σχετικὸν πρὸς τὴν τροποποίησιν τῶν ἄρθρων 29, 30 καὶ 34
τῆς Σύμβασεως διὰ τὴν προάσπισιν τῶν δικαιωμάτων τοῦ
Ἀνθρώπου καὶ τῶν θεμελιώδων ἐλευθεριῶν, ὡς καὶ 3. Τὸ
ἐν Στρασβούργῳ ὑπογραφὲν τὴν 20ην Ιανουαρίου 1966
Πέμπτον Πρωτόκολλον σχετικὸν πρὸς τὴν τροποποίησιν
τῶν ἄρθρων 22 καὶ 40 τῆς αὐτῆς Σύμβασεως.

(b) signature with reservation in respect of ratification or acceptance, followed by ratification or acceptance.

Instruments of ratification or acceptance shall be deposited with the Secretary-General of the Council of Europe.

2. This Protocol shall enter into force as soon as all States Parties to the Convention shall have become Parties to the Protocol, in accordance with the provisions of paragraph 1 of this Article.

3. The Secretary-General of the Council of Europe shall notify the member States of the Council of:

(a) any signature without reservation in respect of ratification or acceptance;

(b) any signature with reservation in respect of ratification or acceptance;

(c) the deposit of any instrument of ratification or acceptance;

(d) the date of entry into force of this Protocol in accordance with paragraph 2 of this article.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 6th day of May 1963, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General shall transmit certified copies to each of the signatory States.

For the Government of the Republic of Austria :
with reservation in respect of ratification or acceptance
KREISKY

For the Government of the Kingdom of Belgium :
with reservation in respect of ratification or acceptance
Strasbourg, 5th June 1963
René COENE

For the Government of the Republic of Cyprus:
For the Government of the Kingdom of Denmark :

Kjeld PHILIP

For the Government of the French Republic :
For the Government of the Federal Republic of Germany :
with reservation in respect of ratification or acceptance
CARSTENS

For the Government of the Kingdom of Greece :
with reservation in respect of ratification or acceptance.

Strasbourg, 30 November 1965
. Léon MACCAS

For the Government of the Icelandic Republic :
For the Government of Ireland :
with reservation in respect of ratification or acceptance
Próinsias MAC AOGAIN

For the Government of the Italian Republic :
with reservation in respect of ratification or acceptance
Edoardo MARTINO

For the Government of the Grand Duchy of Luxembourg :
with reservation in respect of ratification or acceptance
E. SCHAUS

For the Government of the Kingdom of the Netherlands :
with reservation in respect of ratification or acceptance
H.R. van HOUTEN

For the Government of the Kingdom of Norway :
with reservation in respect of ratification or acceptance
Halvert LANGE

For the Government of the Kingdom of Sweden :
with reservation in respect of ratification or acceptance
Gunnar LANGE

For the Government of the Turkish Republic :
with reservation in respect of ratification or acceptance
Zeki KUNERALP

For the Government of the United Kingdom of Great Britain and Northern Ireland :
Edward HEATH

For the Government of Malta :
with reservation in respect of ratification or acceptance
Signed at Paris,
this 12th day of December, 1966

George BORG OLIVIER

Τρίτον πρωτόκολλον

Περὶ τροποποιήσεως τῶν ἄρθρων 29, 30 καὶ 34 τῆς Συμβάσεως προασπίσεως τῶν Δικαιωμάτων τοῦ ἀνθρώπου καὶ τῶν θεμελιωδῶν ἐλευθεριῶν.

Τὰ κράτη-μέλη τοῦ Συμβουλίου τῆς Εὐρώπης τὰ ὑπογράψαντα τὸ πρωτόκολλον τοῦτο, ἔχοντα ὑπ' ὅψιν ὅτι εἰναι σκόπιμος ἡ τροποποίησις ώρισμένων διατάξεων τῆς Συμβάσεως περὶ Προασπίσεως τῶν Δικαιωμάτων τοῦ Ἀνθρώπου καὶ τῶν θεμελιωδῶν ἐλευθεριῶν ὑπογραφείσης ἐν Ρώμῃ τὴν 4ην Νοεμβρίου 1950 (κατωτέρω κατονομαζούμενης «Ἡ Σύμβασις») ἐν σχέσει πρὸς τὴν διαδικασίαν τῆς Εὐρωπαϊκῆς Ἐπιτροπῆς Ἀνθρωπίνων Δικαιωμάτων.

Συνεφώνησαν τὰ ἀκόλουθα :

”Αρθρον 1.

1. Τὸ ἄρθρον 29 τῆς Συμβάσεως διαγράφεται.
2. Ἡ ἀκόλουθος διατάξις θὰ ἐνταχθῇ εἰς τὴν Σύμβασιν : «Αρθρον 29». Μετὰ τὴν ἀποδοχὴν ἀναφορᾶς ὑποβληθείσης συμφώνως τῷ ἄρθρῳ 25, ἡ Ἐπιτροπὴ δύναται ἐν τούτοις νὰ ἀποφασίσῃ ὁμοφώνως τὴν ἀπόρριψιν τῆς ἀναφορᾶς ἐὰν κατὰ τὴν διάρκειαν τῆς ἔξετάσεως, ἀποδειχθῇ ἡ ὑπαρξία ἐνὸς ἐκ τῶν λόγων τῆς μὴ ἀποδοχῆς προβλεπομένων εἰς τὸ ἄρθρον 27.

Ἐν τοιαύτῃ περιπτώσει ἡ ἀπόφασις θὰ κοινοποιεῖται εἰς τὰ μέλη.

”Αρθρον 2.

Εἰς τὸ ἄρθρον 30 τῆς Συμβάσεως, ἡ λέξις «ὑποεπιτροπή» θὰ ἀντικατασταθῇ ἀπὸ τὴν λέξιν «Ἐπιτροπή».

”Αρθρον 3.

1. Εἰς τὴν ἀρχὴν τοῦ ἄρθρου 34 τῆς Συμβάσεως, θὰ ἐνταχθοῦν τὰ ἀκόλουθα : «Θέμα τῶν διατάξεων τοῦ ἄρθρου 29...».

2. Εἰς τὸ τέλος τοῦ ἰδίου ἄρθρου ἡ πρότασις «ὑποεπιτροπὴ θὰ λαμβάνῃ τὰς ἀποφάσεις τῆς διὰ πλειοψηφίας τῶν μελῶν τῆς» διαγράφεται.

”Αρθρον 4.

Τὸ παρὸν πρωτόκολλον εἶναι ἀνοικτὸν πρὸς ὑπογραφὴν ὑπὸ τῶν κρατῶν-μελῶν τοῦ Συμβουλίου τῆς Εὐρώπης, ἀτινα ἔχουν ὑπογράψει τὴν Σύμβασιν καὶ δύνανται νὰ καταστοῦν μέλη διὰ :

(α) Ὑπογραφῆς ἀνευ ἐπιφυλάξεως ἐπικυρώσεως ἡ ἀποδοχῆς.

(4) In cases where more than one term of office is involved and the Consultative Assembly applies the preceding paragraph, the allocation of the terms of office shall be effected by the drawing of lots by the Secretary General immediately after the election».

Article 4.

In article 40 of the Convention, the former paragraphs (3) and (4) shall become respectively paragraphs (5) and (6).

Article 5.

1. This Protocol shall be open to signature by Members of the Council of Europe, signatories to the Convention, who may become Parties to it by :

(a) signature without reservation in respect of ratification or acceptance;

(b) signature with reservation in respect of ratification or acceptance, followed by ratification or acceptance.

Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.

2. This Protocol shall enter into force as soon as all Contracting Parties to the Convention shall have become Parties to the Protocol, in accordance with the provisions of paragraph 1 of this article.

3. The Secretary General of the Council of Europe shall notify the Members of the Council of :

(a) any signature without reservation in respect of ratification or acceptance;

(b) any signature with reservation in respect of ratification or acceptance;

(c) the deposit of any instrument of ratification or acceptance;

(d) the date of entry into force of this Protocol in accordance with paragraph 2 of this article.

In witness whereof the iundersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 20th day of January 1966, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory Governments.

Paris, 28th November 1974

For the Goverment of the Republic of Austria :
with reservation in respect of ratification or acceptance
Strasbourg, 26th January 1966
Willfried GREDLER

For the Government of the Kingdom og Belgium :
with reservation in respect of ratification or acceptance
L. COUVREUR

For the Government of the Republic of Cyprus :
For the Government of the Kingdom of Denmark:
Mogens WARBERG

For the Government of the French Republic :
For the Government of the Federal Republic of Germany : with reservation in respect of ratification or acceptance

Strasbourg, 3rd March 1966
Felician PRILL

For the Government of the Kingdom of Greece :
For the Government of the Icelandic Republic :
For the Government of Ireland :

Strasbourg, 18th February 1966
B. DURNIN

For the Government of the Italian Republic :
with reservation in respect of ratification or acceptance
Alessandro MARIENI

For the Government of the Grand Duchy of Luxembourg :
with reservation in respect of ratification or acceptance
Jean WAGNER

For the Government of Malta :

For the Government to the Kingdom of the Netherlands :

For the Government of the Kingdom of Norway :
Ole ALGARD

For the Government of the Kingdom of Sweden :
with reservation in respect of ratification or acceptance
Bertil STAHL

For the Government of the Swiss Confederation :

For the Government of the Turkish Republic :

For the Government of the United Kingdom of Great Britain and Northern Ireland :

with reservation in respect of ratification or acceptance
Strasbourg, 10th February 1966
E. B. BOOTHBY

Πρωτόκολλον Νο 5 της Συμβάσεως περὶ προασπίσεως τῶν δικαιωμάτων τοῦ ἀνθρώπου τῶν θεμελιωδῶν ἔλευθεριῶν τροποποιοῦν τὰ ἄρθρα 22 καὶ 40 τῆς Συμβάσεως

Αἱ συμβαλλόμενοι Κυβερνήσεις, μέλη τοῦ Συμβουλίου τῆς Εὐρώπης θεωροῦσσαι ὅτι ἡ ἐφαρμογὴ τῶν διατάξεων 22 καὶ 40 τῆς Συμβάσεως περὶ προασπίσεως τῶν δικαιωμάτων τοῦ ἀνθρώπου καὶ τῶν θεμελιωδῶν ἔλευθεριῶν ὑπογραφεῖσης ἐν Ρώμῃ τὴν 4ην Νοεμβρίου 1950 (κατωτέρω κατονομαζομένης «ἡ Σύμβασις») προεκάλεσεν δικαιοσύνης διαδικασίας ἐν σχέσει πρὸς τὴν διάρκειαν τῆς θητείας τῶν μελῶν τῆς Εὐρωπαϊκῆς Ἐπιτροπῆς τῶν Δικαιωμάτων τοῦ Ἀνθρώπου (κατωτέρω κατονομαζομένης «ἡ Ἐπιτροπὴ») καὶ τοῦ Ευρωπαϊκοῦ Δικαστηρίου τῶν Δικαιωμάτων τοῦ Ἀνθρώπου (κατωτέρω κατονομαζόμενον «τὸ Δικαστήριον»).

Θεωροῦσσαι ὅτι ἐπιβάλλεται νὰ ἔξασφαλισθῇ ἐν τῷ μέτρῳ τοῦ δυνατοῦ ἡ ἐκλογὴ ἑκάστην τριετίαν τοῦ ἡμίσεος τῶν μελῶν τῆς Ἐπιτροπῆς καὶ τοῦ ἑνὸς τρίτου τῶν μελῶν τοῦ Δικαστηρίου :

Συνεφώνησαν τὰ ἀκόλουθα :

”Αρθρον 1.

Εἰς τὸ ἄρθρον 22 τῆς Συμβάσεως αἱ δύο κατωτέρω παράγραφοι τίθενται μετὰ τὴν παράγραφον 2 :

(3) Πρὸς ἔξασφάλισιν κατὰ τὸ μέτρον τοῦ δυνατοῦ τῆς ἀνανεώσεως τοῦ ἡμίσεος τῆς Ἐπιτροπῆς ἑκάστην τριετίαν ἡ Ἐπιτροπὴ τῶν Ὑπουργῶν δύναται, πρὸς προβολὴ εἰς πᾶσαν μεταγενεστέραν ἐκλογῆν, νὰ ἀποφασίζῃ ὅτι μία ἡ πλείοναι θητεῖαι μελῶν πρὸς ἐκλογὴν θὰ ἔχουν διάρκειαν ἀλληγ. ἡ τῶν ἔξι ἑτῶν, χωρὶς ἐν τούτοις ἡ διάρκεια αὕτη νὰ δύναται νὰ ὑπερβαίνῃ τὰ ἐννέα ἔτη ἡ νὰ εἶναι κατωτέρα τῶν τριῶν ἑτῶν.

(4) Εἰς περίπτωσιν καθ' ἣν ὑφίσταται θέμα συζητήσεως πλειόνων θητειῶν καὶ ἡ Ἐπιτροπὴ Ὑπουργῶν ἐφαρμόζει τὴν προηγουμένην παράγραφον, ἡ κατανομὴ τῶν θητειῶν ἐνεργεῖται διὰ κληρωσεως γενομένης ὑπὸ τοῦ Γεν. Γραμματέως τοῦ Συμβουλίου τῆς Εὐρώπης ἀμέσως μετὰ τὴν ἐκλογὴν.

”Αρθρον 2.

Εἰς τὸ ἄρθρον 22 τῆς Συμβάσεως αἱ παράγραφοι 3 καὶ 4 καθίστανται ἀντιστοίχως παράγραφοι 5 καὶ 6.

