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Questions to the Committee of Ministers

Report¹

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Mr Andreas GROSS, Switzerland, Socialist Group

Summary

In adopting [Resolution 1583 \(2007\)](#), the Assembly's aim was to improve its operation and the participation of its members by taking steps to enable them to play a more active part in its work, in particular by offering them more opportunities to speak during debates and by making debates more lively and more attractive. By adopting [Resolution 1584 \(2007\)](#) at the same time, it introduced in its Rules of Procedure a procedure for spontaneous questions to the Chairperson of the Committee of Ministers.

The practice of spontaneous questions to the Chairperson of the Committee of Ministers, which was inaugurated during the January 2008 part-session, has proved satisfactory both for the Committee of Ministers and for the Assembly and has renewed Assembly members' interest in the questions session. As the Bureau of the Assembly decided, from the June 2008 part-session, and with the agreement of the Chairperson-in-Office of the Committee of Ministers, to alter the arrangements for the address by the Chairperson of the Committee of Ministers and make the spontaneous questions a regular feature, the Rules of Procedure must be brought into line with the practice followed. Rule 58.2 of the Rules of Procedure, as well as the guidelines for questions to guest speakers, shall therefore be modified.

1. Reference to committee: Rule 66.2 of the Rules of the Assembly.



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A. Draft resolution

1. In adopting [Resolution 1583 \(2007\)](#) on improving the participation of members in Assembly plenary sessions and committee meetings, the Parliamentary Assembly's aim was to improve its operation and the participation of members by taking steps to enable them to play a more active part in its work, in particular by offering them more opportunities to speak during debates and by making debates more lively and more attractive. It took this forward in [Resolution 1584 \(2007\)](#) on application and amendment of various provisions of the Parliamentary Assembly's Rules of Procedure, by introducing a procedure for spontaneous questions to the Chairperson of the Committee of Ministers.
2. The practice of spontaneous questions to the Chairperson of the Committee of Ministers, which was inaugurated during the January 2008 part-session, has proved satisfactory both for the Committee of Ministers and for the Assembly and has renewed Assembly members' interest in the questions session. As the Bureau of the Assembly decided, from the June 2008 part-session, and with the agreement of the Chairperson-in-Office of the Committee of Ministers, to alter the arrangements for the address by the Chairperson of the Committee of Ministers and make the spontaneous questions a regular feature, the Rules of Procedure must be brought into line with the practice followed.
3. Therefore, the Assembly decides to modify Rule 58.2 of the Rules of Procedure as follows:

“58.2. Following the presentation to the Assembly of a report of the Committee of Ministers on its activities, Representatives and Substitutes may submit oral questions for oral answer by the Chairperson of the Committee of Ministers. This exercise requires the consent of the Chairperson of the Committee of Ministers.

Representatives and Substitutes may also submit written questions. These must be tabled one week before the opening of the part-session. The Chairperson of the Committee of Ministers shall answer them orally or in writing.

Oral and written answers shall be published.

The President of the Assembly shall decide whether questions are in order.

No Representative or Substitute may put more than one oral or written question to the Chair of the Committee of Ministers at any one part-session.

The guidelines for questions to guest speakers shall apply to the implementation of this Rule.”
4. The Assembly approves the “Guidelines for questions to guest speakers” appended to this resolution as Complementary Texts to the Rules.
5. Changes to the Assembly Rules of Procedure proposed in this resolution, as well as the guidelines for questions to guest speakers, shall enter into force at the opening of the April 2009 part-session (27 April 2009).

Appendix – Guidelines for questions to guest speakers

I. Questions to the Chairperson-in-Office of the Committee of Ministers (Rule 58.2 of the Rules of Procedure)

a. Oral questions

1. Representatives or Substitutes wishing to put an oral question to the Chairperson of the Committee of Ministers must enter their names on the appropriate register within the prescribed time (see “Additional provisions relating to Assembly debates” – ii. List of speakers, paragraph 5). When they enter their names on the register, they will be asked to state the subject of their question.
2. If there is sufficient time, the President of the Assembly may authorise the author of a question to the Chairperson of the Committee of Ministers to ask a supplementary question following the latter’s answer.
3. Each political group may appoint a spokesperson to put a question to the Chairperson of the Committee of Ministers.

b. Written questions

4. Representatives and Substitutes wishing to put a written question to the Chairperson of the Committee of Ministers must enter their names on the appropriate list and submit the text of the question at least one week before the opening of the part-session.
5. Written questions on the same subject or related subjects may receive a joint answer.

II. Questions to other guest speakers

6. Representatives and Substitutes may put spontaneous questions to guest speakers when this is provided for in the agenda of the part-session or authorised by the President of the Assembly during a sitting. Questions may be restricted to political groups’ spokespersons. No supplementary question may be asked.

III. Criteria applicable to questions

7. The time allowed for the presentation of all questions or supplementary questions by their author shall be limited to thirty seconds.
8. The President of the Assembly shall decide whether questions are in order and determine the order in which questions are called.
9. To assess whether a question is in order, the following considerations shall be taken into account:
 - the question must be of general interest and not relate to strictly personal matters;
 - the question shall be formulated clearly and concisely and be restricted to the elements which are absolutely essential for an understanding of the question;
 - the question shall be interrogatory in form and contain only one request;
 - the question shall not contain any personal accusation against third parties mentioned by name, or any insulting or defamatory remarks;
 - a question to the Chairperson-in-Office of the Committee of Ministers must fall within the competence of the Organisation and the sphere of responsibility of the Committee of Ministers.
10. Oral answers shall be published in the report of the sitting. Written answers shall be published as an official Assembly document distributed before the opening of the sitting at which the communication from the Committee of Ministers is to be presented.

B. Explanatory memorandum, by Mr Andreas Gross

1. Introduction

1. In adopting [Resolution 1583 \(2007\)](#) on improving the participation of members in Assembly plenary sessions and committee meetings, the Assembly's aim was to improve the operation of the Assembly and the participation of members by taking steps to enable them to play a more active part in its work, in particular by offering them more opportunities to speak during debates and by making Assembly debates more lively and more attractive. It took this forward in [Resolution 1584 \(2007\)](#) on application and amendment of various provisions of the Parliamentary Assembly's Rules of Procedure, in particular by introducing a procedure for spontaneous questions to the Chairperson of the Committee of Ministers, limited to the last fifteen minutes of the questions for oral answer.²

2. When the Chairperson of the Committee of Ministers presented the communication from the Committee of Ministers to the Parliamentary Assembly at the June 2008 part-session (20th Sitting), a new practice was adopted on which the Bureau had previously given its agreement: the Chairperson of the Committee of Ministers did not answer each written question individually, but gave an overall oral reply, and more time was spent on the spontaneous questions put by members; the written questions all received written replies from the Chairperson of the Committee of Ministers which were published in an addendum to the report of the sitting.³

3. During this sitting, several parliamentarians raised points of order. At the previously mentioned meeting of the Bureau on 27 June, several members referred to the need to clarify the Rules of Procedure with regard to the practice adopted.

4. On 27 June 2008, the Bureau of the Assembly agreed to consult the Committee on Rules of Procedure, Immunities and Institutional Affairs, in accordance with Rule 66 of the Rules of Procedure, "with a view to a possible modification of Rule 58 of the Rules of Procedure" on questions to the Committee of Ministers.

5. On 30 September 2008, the Committee on Rules of Procedure discussed the matter on the basis of an information memorandum by its chair and approved proposals which were then submitted to the Bureau. The Bureau considered them at its meeting on 27 November and confirmed the instructions to the committee to prepare a report. The committee appointed Mr Gross rapporteur on 8 December.

2. Relevant provisions of the Rules of Procedure and current practice

6. Rule 58 of the Rules of Procedure currently provides for two procedures where questions are concerned: a written procedure for questions to the Committee of Ministers and an oral procedure for questions to the Chairperson-in-Office of the Committee of Ministers.

7. Written questions to the Committee of Ministers (Rule 58.1) may be addressed at any time to the Committee of Ministers on matters within its competence. Questions are published (individually) and distributed in the form of an Assembly document. They are discussed at a meeting of the Ministers' Deputies and the written replies adopted by the Deputies are also published in the form of an official Assembly document. There is no mandatory deadline within which the Committee of Ministers is obliged to give its reply.⁴

2. See report by the Committee on Rules of Procedure and Immunities ([Doc. 11431](#)), paragraphs 92 et seq. The idea of changing the arrangements for oral questions to the Committee of Ministers was raised by the Bureau in 2006 in the broader context of improving the operation of the Assembly. On 25 January 2007, the Joint Committee discussed the proposed reform and made various comments which have been taken into account in this report.

3. It should be noted that, during the September/October 2008 part-session, the Chairperson of the Committee of Ministers did not give either individual or overall oral replies to the written questions, which all received a written reply. This was also the case during the January 2009 part-session. In October 2008, a more technical spontaneous question also gave rise to a written reply.

4. According to a decision taken by the Ministers' Deputies in connection with the organisation of their proceedings, "Written Questions submitted to the Committee of Ministers by members of the Assembly should not be left without a reply for a period of more than six months after they had been communicated to the Committee ..." (CM/Del/Concl(84)373 item 2). See also Document CM(2008)4 of 16 January 2008, "Procedure of the Committee of Ministers for dealing with questions from members of the Parliamentary Assembly".

8. Questions for oral answer put to the Chairperson-in-Office of the Committee of Ministers, following his/her presentation to the Assembly of the report on the activities of the Committee of Ministers (Rule 58.2), for which the practice is as follows:

- questions are tabled in writing “so as to leave sufficient time for them to be printed and distributed before the opening of the debate” (in practice there is a predetermined deadline, usually twenty-four hours before the debate); they are published in a single Assembly document in the order in which they were received;
- the answers given verbally during the debate are published in the report of the sitting; questions not answered during the sitting owing to a shortage of time receive a written reply which is subsequently published as an appendix to the report;
- authors of questions must enter their names on the list of speakers and communicate the text of their question; questions may not be asked unless the text has been submitted in advance;
- since the January 2008 part-session, the authors of questions have not been allowed to ask supplementary questions (this was previously the case).

9. When its Rules of Procedure were last revised in November 2007,⁵ the Assembly introduced a spontaneous questions procedure in order to make the statement to it by the Chairperson-in-Office of the Committee of Ministers more lively. This procedure entered into force on the Assembly January 2008 part-session (see Rule 58.2 *in fine*):

- this exercise requires the prior consent of the Chairperson of the Committee of Ministers and is limited to the final fifteen minutes of the questions for oral answer;
- those members interested must enter their names on the list of speakers. Members may not put a written question for oral answer and a spontaneous question at the same sitting.

10. Rule 58 is supplemented by “Guidelines for questions to guest speakers”.

3. Points for discussion

11. The Bureau has agreed that the exercise of putting questions to the Chairperson of the Committee of Ministers should henceforth follow the practice introduced at the June 2008 part-session and that written questions submitted to the Chairperson of the Committee of Ministers should henceforth form the subject of a written reply published in the report of the sitting, thus making way for spontaneous questions by members following his/her statement. Since that date, the chairs-in-office of the Committee of Ministers have agreed to follow this practice.

12. The Bureau’s aim of introducing more dynamism and spontaneity into the exchange with the Chair of the Committee of Ministers is obviously supported by the Committee on Rules of Procedure, Immunities and Institutional Affairs, which, when considering the revision of the Rules of Procedure in 2007, had itself sought to revive interest in this exercise among parliamentarians by offering the possibility of putting spontaneous questions.

13. However, the envisaged change in the Rules of Procedure – from the fifteen minutes stipulated in the Rules to a completely open question-and-answer session – and implementation of a more flexible procedure call for consideration to be given to a number of issues:

Commitment and responsiveness shown by the chairperson-in-office

14. As has been pointed out in the various discussions on the subject at meetings of the Committee on Rules of Procedure and at meetings of the Joint Committee, the following points must be borne in mind when considering an extension of the spontaneous questions exercise:

- the spontaneous questions exercise requires the consent of the Chairperson of the Committee of Ministers (current Rule 58.2 *in fine*);
- Assembly members must be encouraged to put general political questions to the Chairperson of the Committee of Ministers which fall within the Council of Europe’s sphere of competence and responsibility; more technical or very detailed questions should always be asked in writing and receive a written reply;

5. See [Resolution 1584 \(2007\)](#) and [Doc. 11431](#) mentioned above.

- it is important that the Chairperson of the Committee of Ministers should give precise, substantive answers to the questions asked;
- because the Chairperson of the Committee of Ministers generally speaks on behalf of all the member states, it may be difficult for him/her to give an answer on some politically sensitive or controversial issues on which there is no consensus within the Committee of Ministers.

15. It should be noted that the foreign ministers of the chairs-in-office since January 2008⁶ have all agreed to answer spontaneous questions, and the exercise is now well-established.

The admissibility of questions

16. Whether they are written questions for written answer or questions for oral answer, the rule must continue to be that the President of the Parliamentary Assembly decides whether they are in order. However, the committee has considered it necessary to specify admissibility criteria which would make it possible to reject any questions not falling within the competence of the Organisation or the responsibility of the Committee of Ministers, concerning a strictly personal matter or containing defamatory, insulting or frivolous remarks.

17. These criteria could be incorporated into the “Guidelines for questions to guest speakers” and apply to all questions put by parliamentarians.

The possibility of a member asking more than one question

18. Under the current Rules, no member “may table more than one question for oral answer at any one part-session”. However, if a clear separation between the two procedures is envisaged – with, on the one hand, written questions to the Chair of the Committee of Ministers for written answer, and on the other, spontaneous questions – the committee must consider whether the author of a written question could also ask a spontaneous oral question in the same debate. While there is no doubt that all questions submitted in writing will receive a reply, in writing at least, there is no guarantee that members entered on the list of speakers will actually be able to take the floor and put their question to the Chair of the Committee of Ministers.

Publication of questions and answers

19. It is proposed that the arrangements for the publication of questions to the Chairperson of the Committee of Ministers and the answers given – which is a matter of secondary importance – be set out in the complementary texts (“Guidelines for questions to guest speakers”) rather than in the Rules of Procedure themselves.⁷

4. Proposals

20. At its meeting on 27 November 2008, the Bureau agreed to the following proposals by the committee:
- there is no need to amend Rule 58.1 of the Rules of Procedure on written questions to the Committee of Ministers;
 - Rule 58.2 of the Rules of Procedure on questions to the Chairperson-in-Office of the Committee of Ministers could be amended in such a way as to distinguish clearly between the two procedures – written questions and spontaneous oral questions to the Chairperson of the Committee of Ministers; the wording adopted should permit a degree of flexibility in the organisation of debates;
 - it would also be desirable to expand the “Guidelines for questions to guest speakers”, which are a complementary text and have become obsolete as a result of changes in the Assembly’s practice.

6. Mr Ján Kubiš, Minister for Foreign Affairs of the Slovak Republic, Mr Carl Bildt, Minister for Foreign Affairs of Sweden, Mr Frank Belfrage, State Secretary for Foreign Affairs of Sweden, and Mr Miguel Ángel Moratinos, Minister for Foreign Affairs and Co-operation of Spain.

7. Written questions to the Chairperson of the Committee of Ministers are published in the form of an Assembly document. Oral answers are published in the report of the sitting and written answers in an addendum to the report of the sitting. Spontaneous questions – and the answers given by the Chairperson of the Committee of Ministers – appear only in the report of the sitting.

21. Therefore, the committee proposes amending Rule 58.2 as follows:⁸

“58.2. Following the presentation to the Assembly of a report of the Committee of Ministers on its activities, Representatives and Substitutes may submit oral questions for oral answer by the Chairperson of the Committee of Ministers. This exercise requires the consent of the Chairperson of the Committee of Ministers.

Representatives and Substitutes may also submit written questions. These must be tabled one week before the opening of the part-session. The Chairperson of the Committee of Ministers shall answer them orally or in writing.

Oral and written answers shall be published.

The President of the Assembly shall decide whether questions are in order.

No Representative or Substitute may put more than one oral or written question to the Chair of the Committee of Ministers at any one part-session.

The guidelines for questions to guest speakers shall apply to the implementation of this Rule.”

22. The committee also suggests replacing the “Guidelines for guest speakers” in accordance with the appended proposal.

5. Conclusion

23. This report approved by the committee could be debated by the Standing Committee in March 2009. The changes to the Rules of Procedure could then enter into force at the April 2009 part-session (27 April 2009).

8. Current wording of Rule 58.2: “Following the presentation to the Assembly of a report of the Committee of Ministers on its activities, Representatives and Substitutes may table questions for oral answer by the Chairperson-in-Office of the Committee of Ministers. The President of the Assembly shall decide whether these questions are in order; they shall be tabled so as to leave sufficient time for them to be printed and distributed before the opening of the debate. No Representative or Substitute may table more than one question for oral answer at any one part-session. Subject to the consent of the Chairperson of the Committee of Ministers, the final fifteen minutes of the questions for oral answer may be reserved for spontaneous questions.”

Appendix – Draft guidelines for questions to guest speakers

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a. Oral questions

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10. Oral answers shall be published in the report of the sitting. Written answers shall be published as an official Assembly document distributed before the opening of the sitting at which the communication from the Committee of Ministers is to be presented.

Reporting committee: Committee on Rules of Procedure, Immunities and Institutional Affairs.

Reference to committee: Rule 66.2 of the Rules of the Assembly.

Draft resolution unanimously adopted by the committee on 29 January 2009.

Members of the committee: Mr John **Greenway** (Chair), Mr Rudi Vis (1st Vice-Chair), Mrs Maria Postoico (2nd Vice-Chair), Mr **Vareikis** (3rd Vice-Chair), Mrs **Bemelmans-Vidéc**, Mrs Benaki, Mr Cebeci, Mr Chope, Mr Gross, Mr Haibach, Mr **Höfer**, Mr Holovaty, Mr Hovannisian, Mr Huseynov, Mr Islami, Mr **Kumcuoğlu**, Mr Lintner, Mrs Mendonça, Mrs Ojuland, Mr **Rustamyan**, Mr Saar, Mr Schram, Mr Van Overmeire.

NB: The names of the members who took part in the meeting are printed in **bold**.

Secretariat of the committee: Mr Heinrich, Mrs Clamer.