



Doc. 12035

29 September 2009

Reconsideration on substantive grounds of previously ratified credentials of the Ukrainian delegation (Rule 9 of the Assembly's Rules of Procedure)

Reply to Recommendation¹: Recommendation 1875 (2009)
Committee of Ministers

1. In reply to [Recommendation 1875 \(2009\)](#) adopted by the Parliamentary Assembly on 23 June 2009, recommending that the Committee of Ministers seek, without delay, an advisory opinion from the European Court of Human Rights, the Committee of Ministers observes that at the 1063rd meeting of the Ministers' Deputies (8-9 July 2009) it agreed to ask the European Court of Human Rights for such an opinion on a number of questions (see Appendix).
2. The Chairmanship of the Committee transmitted the request for an opinion to the European Court of Human Rights which acknowledged receipt of it by letter of 17 July 2009.
3. The Committee of Ministers will inform the Parliamentary Assembly of the Court's response to this request.

1. adopted at the 1066th meeting of the Ministers' Deputies (23 September 2009)



Appendix – Decisions CM/Del/Dec(2009)1063/4.5

“The Deputies

1. agreed, under the terms of Article 47 of the European Convention on Human Rights, to request an advisory opinion from the European Court of Human Rights on the following questions:
 - a. Can a list of three candidates, nominated by a High Contracting Party for election as a judge to the European Court of Human Rights in respect of the High Contracting Party and submitted to the Parliamentary Assembly, be withdrawn and replaced with a new list of three candidates by that High Contracting Party? If yes, is there any time limit?
 - b. Can candidates for the post of judge at the European Court of Human Rights be considered as nominated by a High Contracting Party within the meaning of Article 22 of the European Convention on Human Rights if the list containing their names has been withdrawn by that High Contracting Party?
 - c. Is the Parliamentary Assembly obliged to consider a list of candidates submitted by a High Contracting Party which replaces a list previously submitted but withdrawn by that High Contracting Party?
2. furthermore, they invited the Court to pronounce on the following two additional questions:
 - a. If one or more candidates on a list of candidates submitted to the Parliamentary Assembly by a High Contracting Party withdraw(s) before the Parliamentary Assembly has voted on the list, is that High Contracting Party obliged under the European Convention on Human Rights to submit an additional candidate or candidates to complete the list or is it entitled to submit a new list?
 - b. Are the conditions in paragraphs 1 and 2 of the Appendix to [Resolution 1432 \(2005\)](#) of the Parliamentary Assembly of the Council of Europe in breach of the Assembly’s responsibilities under Article 22 of the European Convention on Human Rights to consider a list, or a name on such a list, on the basis of the criteria listed in Article 21 of the Convention?”