



## Resolution 3 (1949)<sup>1</sup>

# Provisional Rules of Procedure

Parliamentary Assembly

### *PART I - SESSIONS OF THE ASSEMBLY*

#### *Article 1*

##### *Date and convocation of Ordinary Sessions*

The Consultative Assembly shall meet in ordinary session once a year on a date determined by it so as to avoid as far as possible overlapping with Parliamentary sessions of Members and with sessions of the General Assembly of the United Nations.

The President shall send notices of meeting to the Members through the Secretary-General not less than two months before the date fixed for the opening of the Session.

#### *Article 2*

##### *Date and convocation of Extraordinary Sessions*

The Consultative Assembly may be convoked in extraordinary session on the initiative of the Committee of Ministers at such time as the Committee, with the concurrence of the President of the Assembly, shall decide.

#### *Article 3*

##### *Place of Meeting*

Ordinary sessions of the Consultative Assembly shall be held at the seat of the Council unless both the Assembly and the Committee of Ministers concur that it should be held elsewhere.

Extraordinary sessions shall be held at such place as the Committee of Ministers, with the concurrence of the President of the Assembly, shall decide.

#### *Article 4*

##### *Duration*

The duration of each ordinary session shall be fixed by the Assembly but shall not exceed one month unless both the Assembly and the Committee of Ministers concur.

Extraordinary sessions shall likewise not exceed one month and shall end when the Assembly has exhausted its Agenda.

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#### 1. PREPARATORY WORK

##### *Preparatory Commission of the Council of Europe*

After consulting a committee of parliamentary experts, the Preparatory Commission adopted provisional Rules of Procedure and laid them before the Assembly

##### *Consultative Assembly, 1st Session 1949:*

At its second Sitting on 11th August, 1949, the Assembly adopted the provisional Rules of Procedure drawn up by the Preparatory Commission.



**PART II - PROVISIONAL OFFICERS, VERIFICATION OF CREDENTIALS AND PERMANENT OFFICERS**

**Article 5**

*Provisional Officers*

At the beginning of each ordinary session the oldest Representative present, assisted by the three youngest Representatives, shall discharge the duties of President until the election of the President and other permanent officers has been announced.

No discussion may take place while the oldest Representative is in the Chair unless it is concerned with the election of the permanent officers or with that of the Credentials Committee.

**Article 6**

*Verification of Credentials*

The credentials of the Representatives and of their Substitutes shall if possible be sent by the Members to the Secretariat of the Council of Europe not less than eight days before the opening of the session.

Each Representative and Substitute must be a national of the Member he represents, but shall not, at the same time, be a member of the Committee of Ministers.

A committee of twenty Representatives chosen by lot shall examine the credentials of the Representatives and of their Substitutes and shall at once report thereon to the Assembly.

A Representative or Substitute whose credentials are contested shall take his seat provisionally with the same rights as other Representatives or Substitutes until the Assembly has reached a decision in his case.

**Article 7**

*Permanent Officers*

When the oldest Representative has taken the Chair, the permanent officers shall be elected in public session.

The officers of the Assembly shall be the President and four Vice-Presidents.

**Article 8**

*Election of Officers*

No Representative may stand as a candidate for the offices of President and Vice-President unless the proposal for his candidature has been sponsored in writing by at least three Representatives.

The President shall be elected by secret ballot of the tribune. If after two ballots no candidate has received more than half the votes cast, the candidate who on the third ballot receives the largest number of votes shall be declared elected. In the event of a tie the elder candidate shall be declared elected.

The four Vice-Presidents shall then be elected by secret ballot at the tribune. Each Representative shall vote on the same ballot paper. Those who on the first ballot receive a number of votes greater than half the number of Representatives casting their votes shall be declared elected. If the number of those so elected is less than the number of vacancies to be filled, there shall be a second ballot in which the candidates shall be those who obtained the greatest number of votes in the first ballot, to the number of twice the vacancies still to be filled. Those who then receive the greatest number of votes shall be declared elected.

Tellers chosen by lot shall count the votes, and the results shall be announced by the President.

As soon as the permanent officers have been elected the oldest Representative shall give place to the elected President.

The President and Vice-Presidents shall remain in office until the opening of the next session.

**PART III - DUTIES OF OFFICERS**

**Article 9**

*President*

The duties of the President shall be:

To open, suspend and close sittings.

To announce at the end of each sitting the date, time and Agenda of the next sitting.

To guide the debates of the Assembly, ensure observance of the Rules, maintain order, call on speakers, close debates, put questions to the vote and announce the results of votes.

To refer business to the appropriate committees.

The President shall neither speak in debate nor vote; his Substitute may sit, speak and vote in his place.

The President shall inform the Committee of Ministers through the Secretary-General of resolutions adopted by the Assembly in the form of recommendations.

#### *Article 10*

##### *Vice-Presidents*

If the President is absent or unable to discharge his duties, the Vice-Presidents shall replace him in the order of their election.

The Substitute of the Vice-President who is acting as President may sit in the Assembly, speak and vote in his place.

#### *Article 11*

##### *Maintenance of Order*

The President shall call to order any Representative who departs from it. If the offence is repeated, the President shall again call the Representative to order and cause the fact to be recorded in the Proceedings.

In the event of a further offence, the President may exclude the offender from the Chamber for the remainder of the sitting.

In serious cases the President may propose that the Assembly pass a vote of censure, which shall involve immediate exclusion from the Chamber for a period of from two to five days. The Representative against whom a vote of censure is proposed shall always have the right to be heard.

The vote of censure shall be taken without debate, by a vote in which the President shall call on the Ayes to stand, and then on the Noes.

The President may cause words which he judges to be out of order to be deleted from the Proceedings and Records.

#### *Article 12*

##### *Public order in the Chamber and Galleries*

No persons shall enter the Chamber for any reason, except those provided with a card of authority duly issued by the President or by the Secretary-General, and those members of the staff whose duties require their presence there.

Members of the public admitted to the Galleries shall remain seated and in silence. Any person expressing approval or disapproval shall be ejected at once by the ushers.

#### *PART IV - AGENDA*

##### *Article 13*

##### *Proposals for inclusion in the Agenda of Sessions*

The Agenda of each session shall include:

- a. Questions referred to the Assembly for an Opinion, by the Committee of Ministers;
- b. Questions whose inclusion in the Agenda has been approved by the Committee of Ministers on the proposal of the Assembly.

### *Resolution 3 (1949)*

The following rules shall apply in connection with questions referred to in sub-paragraph (b) above:

- a. Immediately after the election of its officers, the Assembly shall debate proposals for the inclusion of items in the Agenda of the current session. The Assembly shall adopt any such proposals in final form within three days of the opening of the session, unless the President, after consultation with the Chairman of the Committee of Ministers, decides otherwise;
- b. Proposals for the inclusion of items in the Agenda of the following session must be laid at least eight days before the date fixed for the closure of the current session and must be taken in sufficient time to enable the Assembly to adopt them in final form at least five days before the end of the session;
- c. Any proposal for the inclusion of an item in the Agenda must be sponsored by ten Representatives;
- d. Proposals made by Representatives between sessions for the inclusion of items in the Agenda of the next session must be sent to the President at least three months before the opening of the session. Any such proposals must be sponsored in writing by ten Representatives. The President shall circulate such proposals to all the Representatives. If he receives the written approval of two-thirds of the Representatives, he shall transmit the proposal through the Secretary-General to the Committee of Ministers, at least two months before the opening of the session.

### *Article 14*

#### *Final Settlement of the Agenda*

When the officers have been elected, the President shall communicate to the Representatives a first provisional Agenda, which shall consist of questions approved by the Committee of Ministers for inclusion in the Agenda.

As soon as possible after the closure of the debate held in accordance with the provisions of Article 13 (a), a second provisional Agenda shall be communicated to the Assembly, consisting of questions submitted to the Committee of Ministers in accordance with the provisions of the same Article and approved for inclusion in the Agenda, as well as those which appeared in the first provisional Agenda.

The Assembly shall then settle the order in which the questions shall be discussed, and, without prejudice to Article 23 [a] (i) of the Statute, the Agenda so established shall be final. The Agenda shall be printed and circulated.

Requests for an opinion received from the Committee of Ministers shall also be printed and circulated and included in the Agenda in accordance with the provisions set out in Article 13 above.

### *Article 15*

#### *Agenda of Sitzings*

The Agenda of sittings shall be announced by the President in accordance with the provisions of Article 9.

The Assembly may not discuss questions which do not appear on the Agenda of the sitting.

## **PART V - USE OF LANGUAGES**

### *Article 16*

#### *Official Languages*

The official languages of the Assembly shall be English and French.

All documents of the Assembly shall be drawn up simultaneously in both official languages.

### *Article 17*

#### *Debates in the Assembly*

Speeches delivered in one of the official languages shall be translated into the other.

Speeches may be made in a language other than the official languages; there shall be a consecutive interpretation into one of the official languages, which shall be simultaneously interpreted into the other official language.

*Article 18*

*Meetings of Committees*

If in committee a translation is necessary there shall be consecutive interpretation from one official language into the other.

Nevertheless, a Representative who cannot use one of the official languages may bring his own interpreter, who may interpret into one only of the official languages. There will be an interpretation into the other official language only if a member of the committee specifically requires it.

*PART VI - PUBLICITY OF DEBATES*

*Article 19*

*Publicity Unless the Assembly decides otherwise, the debates of its plenary sessions shall be public.*

The public shall not be admitted to meetings of committees.

*Article 20*

*Proceedings*

The Proceedings of the previous sitting, including the decisions of the Assembly, shall be laid on the Table half an hour before the following sitting.

At the beginning of the sitting Representatives may comment on the draft, and the Assembly shall take note.

If there are no comments the Proceedings shall be considered adopted.

The Proceedings shall be printed, signed by the President and the Clerk, and preserved in the archives of the Assembly.

*Article 21*

*Records of Sitzings*

There shall be a verbatim record, which shall be published if possible after each sitting and, in any event, daily.

*PART VII - ORGANISATION OF SITTINGS AND OF DISCUSSIONS IN PLENARY SESSIONS*

*Article 22*

*Times of Sitzings*

Without prejudice to the right of the President to vary the time-table, the times of plenary sittings shall normally be as follows:

Mondays, Tuesdays, Wednesdays: 3.30 p.m. to 7 p.m.

Thursdays: 9.30 a.m. to 12 noon; 3.30 p.m. to 7 p.m.

Fridays: 3.30 p.m. to 7 p.m.

Saturdays: 9.30 a.m. to 12 noon.

A debate which has not been completed at the end of a sitting shall be adjourned to the next sitting, together with any other outstanding business.

*Article 23*

*Register of Attendance*

Each Representative shall sign the register of attendance at each sitting before taking his place.

*Article 24*

*Communications to the Assembly*

Immediately after the adoption of the Proceedings of the previous sitting and before passing to the Agenda, the President shall inform the Assembly of any communications which concern it.

## *Resolution 3 (1949)*

### *Article 25*

#### *Right to speak*

Representatives desiring to speak may put their names down in a book which the President shall provide for the purpose. No Representative may speak unless he has been called by the President.

The President may depart from the order in which Representatives have expressed the desire to speak and call on speakers alternately for and against the proposal under discussion.

Representatives shall speak from their places; the President or the Assembly may request them to come to the tribune.

Representatives shall address the Chair.

If a speaker is irrelevant, the President alone may call him to order. If a speaker is called to order for irrelevance three times in the same discussion, on the third occasion the President shall decide whether he should be forbidden to speak on the same subject during the rest of the discussion.

No Representative may speak more than once on the same subject without permission from the President. Members of the Committee of Ministers and rapporteurs on a question on the Agenda may, however, speak whenever they wish.

A speech which has not been completed at the end of a sitting may not be resumed at the following sitting.

### *Article 26*

#### *Priorities*

A Representative may always be heard:

1. To make a point of order; there can, however, be only one point of order with respect to any one occurrence;
2. To propose the adjournment; the adjournment can be proposed only once in the course of a debate;
3. To propose a dilatory motion;
4. To propose the closure.

These shall take precedence over the principal question, the discussion of which shall be suspended while they are being considered.

A Representative who wishes to make a personal statement shall be heard, but only at the end of a sitting.

### *Article 27*

#### *Order of Debates*

The discussion of a question shall involve two readings, namely, a general discussion and an examination of the text in detail.

The general discussion shall deal with the question at issue as a whole and with the principle involved.

The examination of the text in detail shall take place on the report of the competent committee. It shall not begin less than two days after the distribution of the report.

After the examination has been concluded, only explanations of vote may be made before the final vote on the resolution.

### *Article 28*

#### *Amendments*

Any Representative may propose and argue amendments.

Amendments must be drawn up in writing, laid on the Table and distributed. Unless they are of a purely drafting nature, they must be laid not less than twenty-four hours before the beginning of the second reading.

The reference of an amendment to the committee shall not necessarily interrupt the main debate.

*Article 29*

*Length of Speeches*

No Representative may speak for more than five minutes on any of the following:

Comments on the Proceedings, Points of Order, Settling the Agenda, proposals by the officers to limit the length of debates, Requests for urgent procedure, Requests for adjournment, Dilatory motions, Personal statements, the closure, explanation of vote.

The officers of the Assembly may propose a limit to the length of speeches in a particular debate.

*Article 30*

*Limitation of the Number of Speakers in Certain Debates*

In debates relating to requests for urgent procedure, for adjournment, or for dilatory motions the following only shall be heard: the proposer of the motion; one speaker against the motion; the representatives of the Committee of Ministers; the Chairman or Rapporteur of the committee.

*Article 31*

*Requests for Closure*

A request for closure must be sponsored by ten representatives.

One speaker only may be heard against the closure.

The Assembly shall decide, without debate, by a vote in which the President shall call on the Ayes to stand, and then on the Noes.

The officers of the Assembly may propose that a date be fixed for the closure of a debate.

*PART VIII - VOTING*

*Article 32*

*Majorities*

Elections, other than those for the Presidency, shall be conducted under the rules for the election of Vice-Presidents, set out in Article 8 above.

Appointments shall be made by a simple majority of those present and voting. Other resolutions

Other resolutions shall be adopted by a majority in accordance with the provisions of Articles 29 and 30 of the Statute.

*Article 33*

*Right to Vote*

The vote is an individual one; each Representative shall have one vote.

*Article 34*

*Quorum*

The Assembly cannot adopt any resolution unless the majority of Representatives are present.

If the quorum is called in question, the roll shall be called. If the result shows that the quorum is not present, the division shall be put back until the next sitting.

Once a question has been put, the necessary quorum shall be deemed to be present, and the result shall not be called in question whatever the number of votes cast.

*Article 35*

*Methods of Voting*

Normally the Assembly shall vote by show of hands.

*Resolution 3 (1949)*

If the result of the show of hands is doubtful, the President shall call on the Ayes to stand, and then on the Noes. When ten

When ten Representatives so desire, the vote shall be taken by roll call on any question for which another method of voting is not expressly provided. The final vote on resolutions shall also be taken by roll call.

The roll shall be called in alphabetical order, beginning with the name of a Representative drawn by lot. Voting shall take place by word of mouth and shall be expressed as Yes, No or I abstain. Only affirmative and negative votes shall count in calculating a majority. The President shall be responsible for the counting of votes and shall announce the result. The result shall be recorded in the Proceedings of the sitting, following the alphabetical order of the Representatives' names.

*Article 36*

*Substitutes*

If for a period exceeding forty-eight hours a Representative is unable to attend sittings through illness or is obliged to leave the seat of the Assembly, he must give notice in writing to the President, showing the sitting or sittings of the Assembly or of committees at which he may be replaced by his Substitute.

The President shall inform the Assembly of such notice.

Substitutes shall have the same right to speak and vote in the Assembly and in Committees as the Representatives whom they replace.

In the absence of his substitute, a representative may, with the permission of the committee, be represented in that committee by another representative.

*PART IX - COMMITTEES*

*Article 37*

*Establishment of Committees*

At the beginning of each ordinary session the Assembly shall establish general committees for the following subjects: questions connected with the Rules of Procedure and Privileges, Economic and Social Questions, Cultural and Scientific Questions, Legal and Administrative Questions.

The Assembly may also decide to set up special committees for specified purposes.

The Assembly shall decide the number, not exceeding fifteen, of members for each committee.

*Article 38*

*Officers*

Each committee shall elect a chairman and one vice-chairman.

*Article 39*

*Work of Committees*

A committee shall meet when called together by its Chairman or at the request of the President of the Assembly.

A committee shall deal with questions referred to it by the Assembly after first reading. It shall appoint a rapporteur for each subject under discussion. If a committee is not unanimous, its report shall indicate the views of the majority and of the minority.

The rules adopted by the Assembly with regard to a quorum and voting shall be equally valid in committee.

*PART X - URGENT PROCEDURE*

*Article 40*

*Requests for Urgent Procedure*

Urgent procedure may be requested for any item on the Agenda of the session. A request, in respect of both first and second readings, may be made to the Assembly by the Committee of Ministers or by ten Representatives. A request in respect of the second reading only may be made to the Assembly by the Committee of Ministers, by the competent committee or by ten Representatives.

*Article 41*

*Urgent Procedure*

The President shall inform the Assembly that a request for urgent procedure has been made.

The debate on the request must be placed at the top of the Agenda for the next sitting.

The adoption of urgent procedure shall require a two-thirds majority, of those present and voting.

When urgent procedure has been adopted for a first reading, the general debate shall be opened immediately, and not more than twenty-four hours may elapse between first and second readings.

For a second reading, the debate shall be opened immediately if the committee is ready to report

If the committee is not ready, the debate must be placed at the top of the Agenda for the next sitting; it may take place on an oral report from the Committee.

Proposals for the inclusion of questions in the Agenda of the current session in accordance with Article 13, paragraph (2) sub-paragraph (a), must be dealt with under urgent procedure. The debate may only include arguments for or against the inclusion of the question in the Agenda.

*PART XI - RELATIONS BETWEEN THE COMMITTEE OF MINISTERS AND THE ASSEMBLY*

*Article 42*

*Access to the Assembly*

The members of the Committee of Ministers shall have the right of access to the Assembly. If they wish to take part in debates, the President shall give them a prior right to speak whenever they wish to intervene. They may not vote.

The members of the Committee of Ministers may speak in committees of the Assembly whenever they wish

*Article 43*

*Communications from the Committee of Ministers to the Assembly*

All communications from the Committee of Ministers shall be addressed to the President, who shall immediately bring them to the notice of the Assembly.

*Article 44*

*Reports of the Committee of Ministers*

Reports on its activities furnished to the Assembly by the Committee of Ministers, in accordance with Article 19 of the Statute, shall be printed and distributed.

*Article 45*

*Written questions*

Representatives may address written questions bearing on items of the Assembly's Agenda to the Committee of Ministers.

Written questions shall be laid on the Table. The Secretary-General shall ensure that they are transmitted to the Committee of Ministers.

*PART XII - PETITIONS*

*Article 46*

*Eligibility and Examination of Petitions*

Petitions must be addressed to the President.

In order to be entertained, they must:

- a. show the names, attributes and permanent addresses of the petitioners. The petitioners must cause their signatures to be authenticated in accordance with the internal legislation of the State in which they reside.
- b. bear on questions which fall within the competence of the Council of Europe.

The officers of the Assembly shall examine the eligibility of petitions with the Secretary General.

Petitions which may be entertained shall be

1. referred by the officers to the competent committees, when they bear on an item of the Agenda.
2. referred by the Secretary-General to the Committee of Ministers when they bear on a question not included in the Agenda.

*PART XIII - CLERKS AND ASSEMBLY SERVICES*

*Article 47*

*Clerks*

The service of the Assembly shall be undertaken by a Clerk's Department whose staff shall be placed at the disposal of the Assembly by the Secretary General.

*PART XIV - MISCELLANEOUS PROVISIONS*

*Article 48*

*Raising of Parliamentary Immunity*

Requests for permission to take legal action against representatives shall be addressed to the President of the Assembly. They must be accorded urgent procedure as provided in Article 40 above.

Requests shall be referred without debate to the competent committee.

The report of the committee shall be placed on the Agenda for the first day on which there is a sitting after its submission.

The debate on this report may only include arguments for or against the granting of permission.

*Article 49*

*Revision of the Rules*

Proposals for resolutions on amendments to the Rules must be sponsored by ten Representatives. They shall be referred without debate to the competent committee which shall report on them as provided in Article 39.

The report of the committee shall be placed on the Agenda in accordance with Article 14.

The debate shall be concerned with the texts only.

*PART XV - TRANSITIONAL PROVISIONS*

*Article 50*

*Appointment of the Provisional President*

For the first ordinary session of the Assembly, and in derogation of Articles 5, 7 and 8 above, there shall be a provisional President nominated in accordance with Article 3 (h) of the Agreement of May 5th, 1949.