Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1431 (2005)[1]

Initiation of a monitoring procedure and post-monitoring dialogue

Parliamentary Assembly

1. The Parliamentary Assembly recalls that its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) was set up in April 1997 by Resolution 1115 (1997), which includes an appendix.

2. It notes that in its last report on the progress of the Assembly's monitoring procedure (Doc. 10250) the Monitoring Committee underlined the weaknesses of this procedure, set up more than seven years ago and which needs to be thoroughly clarified and updated in many respects.

3. The main difficulties are currently related to the initiation or the re-opening of a monitoring procedure and to requests for the re-opening of a monitoring procedure in the framework of a post-monitoring dialogue in progress with a given country.

4. Consequently, the Assembly decides :

i. to replace paragraph 2 in the appendix to Resolution 1115 (1997) with the following text :

"An application to initiate or re-open a monitoring procedure may originate from :

the general committees of the Assembly by reasoned written application to the Bureau ;

the Monitoring Committee by a written opinion prepared by two co-rapporteurs containing a draft decision to open a monitoring procedure. If the application aims at re-opening a monitoring procedure in respect of a country involved in a post-monitoring dialogue, the written opinion will be prepared by the Chairperson or, if appropriate, a Vice-Chairperson of the Monitoring Committee ;

not less than ten members of the Assembly representing at least five national delegations and two political groups, through the tabling of a motion for a resolution or recommendation ;

the Bureau of the Assembly."

ii. to replace paragraph 3 in the appendix to Resolution 1115 (1997) with the following text :

"Applications, other than those originating from the Monitoring Committee itself, shall be considered by the Monitoring Committee. Two co-rapporteurs or, in the case of a country involved in a post-monitoring dialogue, the Chairperson or, if appropriate, a Vice-Chairperson of the Monitoring Committee, shall carry out the necessary investigations and prepare a written opinion containing a draft decision proposing :

to open (or re-open) a monitoring procedure and to instruct the Monitoring Committee to carry out this procedure ;

not to open (or not to re-open) such a procedure.

---

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 March 2005 (see Doc. 10407, report of the Committee on Rules of Procedure and Immunities, rapporteur: Mr Gross; and Doc. 10475, opinion of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Frunda).

In the light of the Monitoring Committee's written opinion, the Bureau shall express itself on whether to open (or re-open) a monitoring procedure.

Subsequently, with regard to all the applications referred to in paragraph 2 :

> *if both the Monitoring Committee and the Bureau agree to open (or re-open) the monitoring procedure or take divergent positions, the written opinion adopted by the Monitoring Committee shall be transformed, by way of derogation from Rule 49.2 of the Rules of Procedure, into a report containing a draft resolution and the Bureau shall include this item in the agenda and order of business of the next Assembly part-session for debate and adoption of the draft resolution. A representative of the Bureau may speak in its name in this debate. The Assembly may decide, if appropriate, to refer the matter to one or more committees for an opinion ;*
>
> *in the case that both the Monitoring Committee and the Bureau consider that there is no need to open (or to re-open) a monitoring procedure, such decision should be recorded in the Progress Report of the Bureau and the Standing Committee. The Assembly shall confirm this decision by a vote during the discussion of the Progress Report of the Bureau. However, during that discussion the Assembly may decide by a majority vote following a request by at least ten members, that a debate be held during the next part-session on the written opinion of the Monitoring Committee, which shall then be transformed into a report containing a draft resolution.*

The Assembly or Standing Committee itself may decide, when adopting a resolution, a recommendation or an opinion on accession, to initiate a monitoring procedure and entrust it directly to the Monitoring Committee. In such a case, the procedure provided for in paragraphs 2 and 3 shall not be applicable."

5. The new provisions shall enter into force upon their adoption.