Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1903 (2012)[1]

Code of conduct of members of the Parliamentary Assembly: good practice or a core duty?

Parliamentary Assembly

1. On several occasions in recent years, the Parliamentary Assembly has expressed concern about criticism of representative democracy and of the institution of parliament, about citizens' disaffection with politics and democratic procedures, and about the public's loss of confidence in the effectiveness of elected assemblies and the integrity of members of parliament. In Resolution 1547 (2007) on the state of human rights and democracy in Europe and Resolution 1746 (2010) on democracy in Europe: crises and perspectives, the Assembly sought to elucidate this "crisis of democracy", which has been intensified by the financial and economic crisis.

2. Scandals involving misconduct by parliamentarians at both national and European level have increased the need for politicians to behave in an exemplary manner and have led national parliaments and European parliamentary institutions to draw up rules of conduct. In this context, the Assembly has sought to improve its institutional framework so as to promote the principles of transparency, accountability and integrity by which it sets great store.

3. The Assembly has therefore drawn up rules which aim to prevent conflicts of interest, cronyism and, in general, any form of corruption to which members might be exposed during their term of office, while taking account of the objectives and specific nature of the duties assigned to them. As a result, principles regarding transparency and the declaration of interests of Assembly members were adopted in 2007, a code of conduct for rapporteurs of the Parliamentary Assembly was adopted in 2011, and specific provisions in the guidelines on the observation of elections by the Parliamentary Assembly were drawn up. The Assembly now considers it necessary to establish principles and rules governing the conduct of all its members and to adopt a transparent and effective reference framework. This code of conduct is not intended to replace the aforementioned rules of conduct, which supplement it.

4. The need to consolidate the rules of conduct applicable to members also derives from the Parliamentary Assembly's duty to set an example as a statutory body of an international organisation which is at the forefront of the fight against corruption, including in the field of politics. The Assembly particularly welcomes the work carried out by the Council of Europe's Group of States against Corruption (GRECO), whose activities it intends to follow closely in the context of its third evaluation round concerning the transparency of political party funding and its fourth evaluation round, launched in January 2012, which concerns in particular the prevention of corruption of members of parliament.

5. By adopting a code of conduct, the Assembly intends to guarantee the primacy of public interest in its work and, through the establishment of a system of consistent rules applicable to all its members, to respond to general concerns arising particularly with regard to political favouritism, offers of gifts or hospitality to members, situations of conflicts of interest or the use of members' mandates to promote or safeguard personal interests.

1. Assembly debate on 4 October 2012 (35th Sitting) (see Doc. 13000, report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Heald). Text adopted by the Assembly on 4 October 2012 (35th Sitting).

6. The code of conduct contains provisions essential for the proper functioning of an assembly of elected representatives in a democratic society and with which members are asked to comply in the performance of their Parliamentary Assembly mandates. The general principles, which form an integral part of the code of conduct, are intended to guide members of the Assembly as to the attitude they should adopt when they face difficult and confusing situations.

7. Members' conduct is first and foremost a matter of personal belief and conviction; however, their behaviour has to meet the expectations of those who placed their confidence in an elected representative. The Assembly considers that the declared commitment to abide by the code of conduct depends from the outset on members' willingness to comply with it, in good faith.

8. The Assembly wishes to introduce greater transparency in its activities and decision-making process. It is, however, concerned at the pressure that some interest representatives, acting on behalf of private entities or States, have exercised on members, even within the Palais de l'Europe. The Assembly firmly supports a pluralist culture, but also considers that clear and transparent procedures should be introduced to regulate interest representatives' access to the Assembly. In this context, it recalls its Recommendation 1908 (2010) on lobbying in a democratic society (European Code of Good Conduct on Lobbying).

9. In view of the above considerations, the Assembly:

9.1. decides to introduce the code of conduct for members of the Parliamentary Assembly appended hereto, and consequently:

9.1.1. amends Rule 12 of its Rules of Procedure as follows:

"Rule 12 – Code of conduct for members of the Assembly

12.1. In the exercise of their duties, the members of the Assembly shall undertake to comply with the principles and rules set out in the code of conduct for members of the Assembly, appended to these Rules of Procedure as a complementary text.

12.2. The provisions governing transparency and declarations of interest by members of the Assembly are appended to these Rules of Procedure as a complementary text.";

9.1.2. decides that these new rules and complementary texts shall come into force as soon they have been adopted;

9.2. with regard to the rules on access to and movement within Council of Europe premises by interest representatives during Parliamentary Assembly sessions, and with a view to clearly identifying members of interest groups, instructs the Bureau of the Assembly to revise the rules governing access to the Palais de l'Europe and the use of the premises, and the appendices to the rules in question;

9.3. with regard to the prerogatives of former members of the Assembly, instructs the Bureau of the Assembly to amend the special rules on honorary association with the Parliamentary Assembly, and the special rules on the title and prerogatives of Honorary President of the Parliamentary Assembly of the Council of Europe, pursuant to paragraph 16 of the appended code of conduct.

10. The Assembly also invites the national parliaments of Council of Europe member States to:

10.1. co-operate with GRECO in the context of the third and fourth evaluation rounds and to continue to promote anti-corruption strategies;

10.2. draw on the provisions of the appended code of conduct in respect of all current ethical rules and rules of conduct concerning their members or in respect of any rules they may need to develop.

11. Lastly, the Assembly instructs its Bureau to review the guidelines for the observation of elections by the Parliamentary Assembly in the light of the provisions of the appended code of conduct, with a view to amending the provisions concerning conflict of interest and clarifying the declaratory requirements incumbent on members of ad hoc committees.

Appendix – Code of conduct for members of the Parliamentary Assembly of the Council of Europe

Purpose of the code of conduct

1. The purpose of this code is to provide a framework of reference for members of the Parliamentary Assembly of the Council of Europe in the discharge of their duties. It outlines general principles of behaviour which the Assembly expects of its members. By adhering to these standards members can maintain and strengthen the openness and accountability necessary for trust and confidence in the Parliamentary Assembly.

Scope of the code of conduct

2. This code applies to members in all aspects of their public life relevant to their duties as members of the Parliamentary Assembly.

3. Its provisions complement the obligations on members of the Parliamentary Assembly to abide by the rules of conduct, as well as resolutions of the Assembly and decisions of the President relating to members' conduct and discipline.

4. The application of this code shall be a matter for the Assembly. Guidance on all matters covered by this code of conduct and situations which may arise from its application may be sought from the Secretary General of the Parliamentary Assembly.

General principles of behaviour

5. While performing their mandate as members of the Parliamentary Assembly, members shall:

5.1. carry out their duties responsibly with integrity and honesty;

5.2. take decisions solely in the public interest, without being bound by any instructions that would jeopardise members' ability to respect the present code;

5.3. not act in such a way as to bring the Assembly into disrepute or tarnish the Assembly's image;

5.4. use the resources available to them responsibly;

5.5. not use their public office for their, or anyone else's, private gain;

5.6. declare any relevant interests relating to their public functions and take steps to resolve any conflicts arising in a way that protects the public interest;

5.7. promote and support these principles by leadership and example;

5.8. undertake to comply with the Rules of conduct hereafter.

6. These principles will be taken into consideration when any complaint is received of breaches of this code of conduct.

Rules of conduct

7. Members shall respect the values of the Council of Europe and the general principles of behaviour of the Assembly and not take any action which would cause damage to the reputation and integrity of the Assembly or its members.

8. Members shall avoid conflicts between any actual or potential economic, commercial, financial or other interests on a professional, personal or family level on the one hand, and the public interest in the work of the Assembly on the other, by resolving any conflict in favour of public interest; if the member is unable to avoid such a conflict of interests, it shall be disclosed.

9. Members shall draw attention to any relevant interest by an oral declaration in any proceedings of the Assembly or its committees, or in any relevant communications.

10. No member shall act as a paid advocate in any work of the Assembly.

11. Members shall not request or accept any fee, compensation or reward intended to affect their conduct as members, particularly in their decision to support or oppose any motion, report, amendment, written declaration, recommendation, resolution or opinion. Members shall avoid any situation that could appear to be a conflict of interests or accept an inappropriate payment or gift.

12. Members shall not use their position as a member of the Parliamentary Assembly to further their own or another person's or entity's interests in a manner incompatible with this code of conduct.

13. Members shall use information with discretion, and in particular shall not make personal use of information acquired confidentially in the course of their duties.

14. Members shall register with the Secretariat of the Assembly any gifts or similar benefits (such as travel expenses, accommodation, subsistence, meals or entertainment expenses) of a value in excess of €200 that they accept in the performance of their duties as Assembly members.

15. Members shall ensure that their use of expense claims, allowances, facilities and services provided by the Council of Europe is strictly in accordance with the relevant regulations laid down on these matters.

16. Former members of the Parliamentary Assembly involved in representing and fostering another person's or entity's interests in the Parliamentary Assembly shall not, throughout the period of such activity, benefit from the prerogatives of the honorary associates or the Honorary President of the Parliamentary Assembly as far as the distribution of documents and the access to the buildings and meeting rooms are concerned.

Observance of the code of conduct

17. If a member is believed to have acted in breach of the code of conduct, the President of the Assembly may seek clarification and further information from the member concerned, the chairperson of the member's national delegation, the chairperson of the member's political group or the chairperson of the member's committee.

18. If necessary, the President of the Assembly may seize the Committee on Rules of Procedure, Immunities and Institutional Affairs to examine the circumstances of the alleged breach and make a recommendation as to a possible decision to be taken by the President.

19. Should the President of the Assembly decide that the member failed to comply with the code of conduct, he or she may prepare a reasoned statement to be read out in the Assembly if need be.

20. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of the Assembly.