Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 141
21 November 1950

Modification of Rule 48 of the Rules of Procedure

Report
Committee on Rules of Procedure, Immunities and Institutional Affairs
Rapporteur: Mr Pierre de FÉLICE, France

1. Explanatory Memorandum

In accordance with the wish expressed by the Committee on General Affairs, the Assembly requested the Committee on Rules of Procedure and Privileges to widen the scope of Article 48, the discussion of which has been reserved, so as to allow Representatives to submit written questions to the Committee of Ministers even in the intervals between Sessions, and to make regulations for the exercise of this right.

Your Committee, in fulfilling the task given it, had two objects in mind; first, strictly to limit the subjects to which such questions could refer and, secondly, to ensure that there should be as direct a contact as possible between the Representatives submitting questions and the Committee of Ministers.

Your Committee has rejected the text proposed to it by the Secretariat-General—which allowed for the submission of questions on any subject coming within the activities of the Council of Europe—because it considered that it allowed too wide a scope for such questions. It proposes instead the following solution : that the subjects which may be treated in such questions should be limited by the contents of the Assembly's Agenda.

This solution, which is similar to that already obtaining with regard to questions submitted during the Sessions of the Assembly, makes it possible for your Committee to introduce into Article 48 no more than, the phrase " even during the intervals between sessions ". It is however the intention of your Committee, developing the idea already incorporated in this Article, that it should be possible for the subjects of such questions to refer both to an item which is and to one which " has been " on the agenda.

The Representatives will therefore be able to submit written questions to the Committee of Ministers during the intervals between sessions in the same way as in the course of the sessions, but these questions may only concern items which are, or have been at one time or another, on the Assembly's Agenda.

Such questions will have to be forwarded to the Committee of Ministers through the President of the Assembly. In the opinion of your Committee the President will not legally nave the power to judge of the admissibility of the questions submitted, that is to say, the power of deciding whether such questions are or are not relevant to a subject which is or has been on the agenda.

Thus all questions submitted will have to be forwarded to the Committee of Ministers, which will have authority to decide whether or not they are admissible and to reply according to the opinion which the Committee thinks it its duty to give.

There is one final matter with which your Committee has been concerned; that of the publication of these questions and of the replies which they elicit, so that, once the reply has reached its destination, all the other Representatives may be informed of it.

Amending, on this point; paragraph 2 of Article 48 of the Rules of Procedure, your Committee proposes that the questions and replies —including even those questions to which no reply has been, given—should be published as an appendix to the Official Report of the next debate.

The author of. a question will therefore be informed of the reply given by the Committee of Ministers through the President, who will have forwarded the question, but there will be no publicity for replies or, if there.have been no replies, questions until they appear as appendices to the official report on the first subsequent debate in the Assembly.

These then are the slight alterations to be made in the text of Article 48 of the Rules of Procedure, which will therefore now read as follows :

1.1. RULE 48 - Written Questions

Representatives may, through the President, even between Sessions, address to. the Committee of Ministers written Questions bearing on items which are or which have been on the Agenda of the Assembly. Questions and Answers shall be published as appendices to the Official Report of the next Debate.