



Resolution 2002 (2014)¹

Final version

Evaluation of the implementation of the reform of the Parliamentary Assembly

Parliamentary Assembly

1. In 2011 the Parliamentary Assembly implemented a wide-ranging reform following a broad consultation involving all those concerned, and adopted measures relating principally to its organisational structure, its mode of operation and its means of action. That Assembly reform was conducted in the overall framework of refocusing the Council of Europe's activities against a background of budgetary restrictions and the economic and financial crisis which has prompted many member States to cut back their participation in the organisations of European co-operation since 2008. The Assembly hoped that the reform would enable it to take a clear-sighted and effective stance on challenges both on the internal level – the Organisation's future – and on the external level – the problems facing European society as a whole. It therefore set itself the targets of improving the efficacy of its functioning and the coherence of its structures, strengthening its political relevance and credibility and the visibility of its action, encouraging greater participation of its members and promoting better interaction between the Assembly and national parliaments.

2. The Assembly wished to evaluate the measures taken and implemented under its [Resolution 1822 \(2011\)](#) on the reform of the Parliamentary Assembly, [Resolution 1841 \(2011\)](#) on the amendment of various provisions of the Rules of Procedure of the Parliamentary Assembly – implementation of [Resolution 1822 \(2011\)](#) on the reform of the Parliamentary Assembly and [Resolution 1842 \(2011\)](#) on the terms of reference of Parliamentary Assembly committees – implementation of [Resolution 1822 \(2011\)](#) on the reform of the Parliamentary Assembly, and to ascertain whether they actually met the expectations of the members of the Assembly and the national delegations.

3. The Assembly welcomes the very positive reception given by the members of the Assembly and national delegations to the reform implemented, which has undoubtedly resulted in improving its mode of operation and enhancing its visibility, in particular through the modernisation of its communication tools. The Assembly notes with satisfaction that the reform has been reflected in markedly increased interest on the part of national parliaments in participating in the Assembly's work, as is shown by the statistics on participation by Assembly members in plenary sessions and committee meetings in 2012 and 2013.

4. The Assembly notes that there is a strong expectation on the part of delegations that the Assembly's strengths will be turned to better account, and that it is incumbent on the Assembly to pursue its efforts to boost the interest of national parliaments in its work. In particular, the Assembly must focus on giving priority, in the development of its activities and those of its committees, to relevant subjects which generate wide interest and provide a more immediate and more substantive response to the expectations of European citizens.

5. The Assembly sees the strengthening of interaction with national parliaments as a priority in order to increase the impact of Assembly decisions on their work, by promoting new initiatives, in particular by developing exchanges between Assembly committees and the corresponding committees of the national parliaments.

1. *Assembly debate* on 24 June 2014 (22nd Sitting) (see [Doc. 13528](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Liliana Palihovici). *Text adopted by the Assembly* on 24 June 2014 (22nd Sitting).



6. Lastly, the Assembly also welcomes the strengthening of its inter-parliamentary co-operation capacity, which is based on the diversification of its sources of financing, having regard to the increasingly stringent budgetary conditions surrounding its work. In this context, it encourages national parliaments to further promote synergies and contribute more actively to the development of the Assembly's parliamentary co-operation programme.

7. The Assembly notes that, on the occasion of the evaluation of its reform, a number of proposals for changes to certain procedures were put forward by members of the Assembly, national delegations and committees. It points out that it has regularly amended its Rules of Procedure in order to take account of developments in parliamentary practice, to review provisions that have not proved wholly satisfactory or to clarify rules or procedures when their application or interpretation have given rise to difficulty.

8. Consequently, having regard to the above considerations, the Assembly decides to amend its Rules of Procedure as follows:

8.1. with regard to procedures for challenging credentials:

8.1.1. after Rule 9, add a new rule in order to bring together in a single article the proposed conclusions of the Assembly when it is required to decide on a challenge to unratified credentials on procedural or substantive grounds or to reconsider previously ratified credentials on substantive grounds:

"1. Reports submitted to the Assembly or the Standing Committee under Rules 7.2, 8.3, 9.2 and 9.3 shall contain a draft resolution proposing in its operative part one of the following three options:

– ratification of the credentials, or confirmation of ratification of the credentials;

– non-ratification of the credentials, or annulment of ratification of the credentials;

– ratification of the credentials, or confirmation of the ratification of the credentials, together with depriving or suspending the exercise of some of the rights of participation or representation of members of the delegation concerned in the activities of the Assembly and its bodies;

2. The provisions on amendments (Rule 33) shall apply. Any amendments to the operative part of the draft resolution may propose only one of the three options above.

3. The members of a national delegation whose credentials are challenged may sit provisionally with the same rights as other Assembly members until the Assembly, or the Standing Committee acting on behalf of the Assembly, has reached a decision. However, those members shall not vote in any proceedings relating to the examination of credentials which concern them."

and accordingly delete Rules 7.3, 7.4, 8.5, 8.6, 9.4 and 9.5;

8.1.2. in Rule 7.2, replace the words: "Any credentials so challenged at a meeting of the Assembly or of the Standing Committee shall be referred without debate to the Committee on Rules of Procedure, Immunities and Institutional Affairs, which shall report to the Assembly within twenty-four hours if possible" by:

"Credentials challenged on procedural grounds at the opening of a part-session or a meeting of the Standing Committee shall be referred without debate to the Committee on Rules of Procedure, Immunities and Institutional Affairs. They may be referred for opinion to the Committee on Equality and Non-Discrimination, where credentials are challenged in relation to the representation of the sexes in the membership of the delegation concerned. The committee shall report within twenty-four hours if possible";

8.1.3. in Rule 9.2, fifth sentence, include the provision that the motion for a resolution to annul ratification of credentials is to be referred "without debate to the appropriate committee for report";

8.2. with regard to the status of the immediate past president of the Assembly, in Rule 19.3, delete the words "but may not take part in votes, nor be appointed rapporteur, nor be elected to the Bureau of that committee and its sub-committees";

8.3. with regard to amendments, in Rule 33.4, after "draft text", add the following words: "or which seeks to convert a draft resolution into a draft recommendation";

8.4. with regard to the bureaux of committees and sub-committees:

8.4.1. in Rule 45.7, after the sentence: "They may be re-elected for one further term, consecutive or not", add the following sentence: "On expiry of a period of four years, they may be again elected for two new consecutive or non-consecutive terms"; and add at the end of the rule the following sentence: "The outgoing chairperson or vice-chairperson of a committee may stand for such office in another committee on expiry of a period of two years";

8.4.2. in Rule 48.7, after the sentence: "The chairperson and the vice-chairperson of a sub-committee may be re-elected for one further term, consecutive or not", add the following sentence: "On expiry of a period of four years, they may be again elected for two new consecutive or non-consecutive terms";

8.5. with regard to committee meetings, in Rule 47 *in fine*, add the following paragraph: "The draft minutes of each committee meeting shall be distributed to all the members of the committee, under the conditions stipulated in Rule 46.5, and shall be presented for the committee's approval at the opening of the next meeting";

8.6. with regard to committee rapporteurs, in Rule 49.1, after the third sentence, add the following sentence: "A member of the Assembly who is simultaneously rapporteur for five reports or opinions under preparation, on behalf of one or more committees, may not be appointed rapporteur. (footnote: Reports or opinions under preparation are those which have still not been debated by the Assembly or the Standing Committee)";

8.7. with regard to committee reports, in Rule 49.4, add the following footnote: "A dissenting opinion shall be included in the report in the form laid down in Rule 49.4 as approved by the committee when adopting the report. The text, drafted in one of the Assembly's two official languages and no longer than 500 words, shall be submitted by the committee member who expressed his/her dissenting opinion during the meeting, within 48 hours after the meeting. A dissenting opinion cannot be included in a committee opinion";

8.8. with regard to observer status granted to the parliaments of non-member States of the Council of Europe, in Rule 60.2, replace the sentence: "However, they shall submit to the President of the Assembly not less than one week before the opening of the ordinary session a list of members appointed for the whole duration of the session, which should reflect the political balance within the parliaments" by "However, they shall submit to the President of the Assembly not less than one week before the opening of the ordinary session a list of members appointed for the whole duration of the session. Insofar as the number of their members allows, the delegations shall be composed to ensure a fair representation of the political parties or groups within their parliaments and to include at least the same percentage of the under-represented sex as is present in their parliaments, and in any case one representative of each sex";

8.9. with regard to the reports of debates:

8.9.1. replace Rule 30.2 by the following paragraph: "In addition to the speeches delivered, the report shall include texts submitted by those representatives and substitutes on the list of speakers who were unable to speak for lack of time, provided that their author was present during the debate (footnote: See the additional provisions relating to Assembly debates)";

8.9.2. amend paragraph 4 of the additional provisions relating to Assembly debates, concerning the organisation of debates, replacing the last two sentences by the following sentence: "The text shall be submitted to the Table Office, if possible electronically, no later than four hours after the list of speakers is interrupted, and shall not exceed 500 words if speaking time at the sitting was four minutes and 400 words if speaking time was three minutes or less";

8.10. with regard to the terms of reference of the Committee on Migration, Refugees and Displaced Persons, add a paragraph 2.vii to read: "vii. questions relating to population, demography, nationality and stateless persons".

9. Furthermore, the Assembly decides to create a general committee on the election of judges to the European Court of Human Rights, whose terms of reference are appended hereto, and accordingly to amend its Rules of Procedure as follows:

9.1. at the end of Rule 43.1, add the following: "9. Committee on the Election of Judges to the European Court of Human Rights (20 seats) (footnote: Plus the chairpersons of the Committee on Legal Affairs and Human Rights and the Committee on Equality and Non-Discrimination as *ex officio* members)";

- 9.2. replace Rule 43.3.a by the following paragraph: “On the basis of the candidatures presented by the political groups and taking into account gender balance and regional balance, the Bureau shall appoint 84 of the 89 members of the Monitoring Committee, 30 of the 37 members of the Committee on Rules of Procedure, Immunities and Institutional Affairs and the 20 members (and their alternates) of the Committee on the Election of Judges to the European Court of Human Rights by applying the apportionment ratio based on the so-called ‘D’Hondt principle”;
 - 9.3. in Rule 43.9 (vacancy of a seat), replace the words “a committee other than the Monitoring Committee and the Committee on Rules of Procedure, Immunities and Institutional Affairs” by “a committee other than the Monitoring Committee, the Committee on Rules of Procedure, Immunities and Institutional Affairs and the Committee on the Election of Judges to the European Court of Human Rights”;
 - 9.4. at the end of Rule 47.3, add the following sentence: “The Monitoring Committee and the Committee on the Election of Judges to the European Court of Human Rights meet in camera”;
 - 9.5. in Rule 47.4, replace the words “and members of the Sub-Committee on the Election of Judges to the European Court of Human Rights” by “and members of the Committee on the Election of Judges to the European Court of Human Rights”;
 - 9.6. in Rule 47.6, replace the words “Meetings of the Joint Committee, the Committee on Rules of Procedure, Immunities and Institutional Affairs and the Monitoring Committee shall not be open to members of special guest, observer and partner for democracy delegations” by “Meetings of the Joint Committee, the Monitoring Committee, the Committee on Rules of Procedure, Immunities and Institutional Affairs and the Committee on the Election of Judges to the European Court of Human Rights shall not be open to members of special guest, observer and partner for democracy delegations”;
 - 9.7. at the end of Rule 47.8 (attendance by secretaries of national delegations), add “and the Committee on the Election of Judges to the European Court of Human Rights”;
 - 9.8. in Rule 48.3 (number of sub-committees), replace the words “a committee of 37 seats may not appoint more than two” by “a committee of 37 or 20 seats may not appoint more than two”, and amend the footnote accordingly;
 - 9.9. in Rule 18.6, replace the words “seats on the Monitoring Committee and on the Committee on Rules of Procedure, Immunities and Institutional Affairs” by “seats on the Monitoring Committee, the Committee on Rules of Procedure, Immunities and Institutional Affairs and the Committee on the Election of Judges to the European Court of Human Rights”;
 - 9.10. in Rule 29.1, add a footnote to read: “Interpretation at meetings of the Committee on the Election of Judges to the European Court of Human Rights shall be limited to the two official languages”;
 - 9.11. amend paragraph 5 of the terms of reference of the Committee on Legal Affairs and Human Rights and the complementary texts in order to modify all references to the Sub-Committee on the Election of Judges to the European Court of Human Rights.
10. The Assembly decides that the amendments to the Rules of Procedure set out in this resolution will come into force upon their adoption. The changes related to the creation of a committee on the election of judges to the European Court of Human Rights shall enter into force at the opening of the 2015 ordinary session (on 26 January 2015).

Appendix – Terms of reference of the Committee on the Election of Judges to the European Court of Human Rights

Committee on the Election of Judges to the European Court of Human Rights (AS/Cdh)

Number of seats: 20

1. In the framework of the procedure for the election of judges to the European Court of Human Rights, in accordance with Article 22 of the European Convention on Human Rights, the committee shall examine the candidatures and make recommendations to the Assembly.
2. The committee shall:
 - i. study the curricula vitae and interview all candidates for posts of judge of the European Court of Human Rights, before their election by the Assembly;
 - ii. under the authority of its chairperson, prepare a report to the Assembly on the election of each judge to the European Court of Human Rights, which shall include its recommendations. Whenever possible, the reasons for its recommendations and ranking of candidates shall be indicated in the report;
 - iii. review, when necessary, the standard curriculum vitae sent to candidates for the post of judge of the European Court of Human Rights;
 - iv. seek to ensure that the national procedure for the nomination of candidates complies with the criteria which the Assembly has drawn up for the establishment of lists, and in particular the presence of candidates of both sexes.
3. The committee may report to the Assembly on any question related to the procedure for the selection of candidates and the procedure for the election of judges to the European Court of Human Rights.
4. In addition to the general regulations or as an exception thereto, the committee shall apply the following rules:
 - i. the committee shall vote by a majority of the votes cast; however, a decision to reject a list of candidates or a decision to consider a single-sex list of candidates requires a two-thirds majority of the votes cast. The committee shall proceed to vote on candidates by secret ballot. Only members who have attended in full the interview procedure for a post of judge may vote. For any other decision, voting shall take place by a show of hands. However, voting by secret ballot may be requested by at least one third of the members present. The chairperson is entitled to vote;
 - ii. when rejection of a list of candidates is recommended to the Assembly, the reason(s) must be specified.
5. In order to be able to evaluate the qualifications and skills of candidates, committee members shall have appropriate knowledge or practical experience in the legal field.