



Doc. 14511

12 March 2018

Modification of the Assembly's Rules of Procedure: the impact of the budgetary crisis on the list of working languages of the Assembly

Report¹

Committee on Rules of Procedure, Immunities and Institutional Affairs

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Summary

The draconian reduction in the Parliamentary Assembly's budget for 2018 and 2019, as a consequence, among other things, of the Turkish decision to revert to its initial status of ordinary contributor to the Council of Europe budget, calls for drastic measures. The first of these is to no longer cover out of the Assembly's budget the cost of interpretation in Turkish in plenary sittings and in committee meetings. Indeed, in 2015, the Assembly made the introduction of Turkish as a working language in the Assembly strictly conditional on the Committee of Ministers's decision to allocate to it in the biennial budget for 2016-2017 and in subsequent budgets the necessary and adequate corresponding financial allocations.

The budgetary difficulties of the Assembly have been amplified by the decisions taken by the Committee of Ministers to maintain a strict zero nominal growth policy for 2018 and 2019, and the refusal of the Russian Federation to pay the first third of its contribution to the 2018 budget.

The draft recommendation presented by the Committee on Rules of Procedure, Immunities and Institutional Affairs invites the Committee of Ministers to meet its obligations and to defend the Council of Europe.

1. Reference to committee: Reference 4355 of 22 January 2018.



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A. Draft resolution²

1. The Parliamentary Assembly expresses its great concern at the unprecedented budgetary crisis affecting the Council of Europe as a whole.
2. The Council of Europe must face a cumulative financial risk of €42.65 million for the first time in its history. This risk may increase in the course of 2018. Turkey's decision to renounce the status of major contributor to the Organisation's budget has resulted in a €20 million reduction in the latter's budgetary resources. In parallel with Turkey's decision, since July 2017 the Council of Europe has been confronted with a decision by the Russian Federation to suspend payment of two thirds of its contributions due under the 2017 budget, amounting to €22.65 million. Lastly, the Committee of Ministers, by maintaining a strict zero nominal growth policy for 2018 and 2019, is obliging the Organisation to identify additional savings in the ordinary budget.
3. The draconian reduction in the Assembly's budget for 2018 and 2019, a consequence of Turkey's decision to revert to its initial status of ordinary contributor to the Council of Europe budget, calls for drastic measures. The first of these is to no longer cover out of the Assembly budget the cost of interpretation in Turkish in plenary sittings and in committee meetings or the publication of the reports of debates in Turkish and the translation of adopted texts into this language, since these expenses – €700 000 per year – are no longer financed in the Assembly budget by the payment of the corresponding grant from the Council of Europe's ordinary budget.
4. In this connection, the Assembly refers to the clear position it adopted, notably in [Resolution 2058 \(2015\)](#) on the allocation of seats in the Parliamentary Assembly with respect to Turkey, making the introduction of Turkish as a working language of the Assembly strictly conditional upon the Committee of Ministers' decision to approve Turkey's request to become a major contributor to the Council of Europe's budgets and to allocate the Assembly the corresponding funds.
5. The Assembly's budgetary difficulties have been magnified by the decisions taken by the Committee of Ministers and the Russian Federation's refusal to pay the first third of its contribution to the 2018 budget. Out of a total budget of just under €17.5 million, the Assembly shall freeze €1.5 million of its appropriations in 2018, namely nearly 9% of its total budget; with respect to 2019, however, these €1.5 million might have to be permanently removed from the budget altogether. The Assembly can only express its strongest dissatisfaction at being forced to make such massive cuts in its own budget, considerably weakened by a decade of budgetary restrictions.
6. Consequently, in the light of the above considerations, the Assembly decides to amend its Rules of Procedure concerning the languages, as follows:
 - 6.1. replace Rule 28.3 with the following sentence: "The working languages of the Assembly shall be those of the member States which are major contributors to the Council of Europe budget, provided that the necessary appropriations for their funding are entered in the Assembly's budget";
 - 6.2. replace Rule 30.1 with the following: "Interpretation during the meetings of the committees and the Bureau shall be provided in the official languages and, for working languages, under the conditions stipulated in Rule 28.3. Interpretation at meetings of the Committee on the Election of Judges to the European Court of Human Rights and in sub-committees shall be limited to official languages."
7. The Assembly decides that the changes to the Rules of Procedure set out in this resolution shall enter into force as from their adoption.
8. It recalls that, in accordance with Rule 29.2 of the Rules of Procedure, the Turkish parliamentary delegation can return to the practice prior to 2016 and continue to benefit from interpretation in Turkish so long as the cost is borne by the Turkish Parliament.
9. The Assembly considers that it has not been able to present the Committee of Ministers with an informed opinion on the Council of Europe's 2018-2019 budget. It therefore decides to closely monitor the Organisation's budgetary situation and reserves the possibility to address further recommendations on this matter to the Committee of Ministers, in particular if the Russian Federation maintains its position in 2018 to refuse to fulfil its financial obligations.

2. Draft resolution adopted by the committee on 9 March 2018.

B. Draft recommendation³

1. The Parliamentary Assembly is deeply concerned about the financial situation of the Council of Europe and regrets Turkey's decision to end its status as a major contributor to the Organisation and the speed with which this decision has been implemented, depriving the Organisation of the time needed to make the necessary adjustments.
2. Referring to Resolution ... (2018) "Modification of the Assembly's Rules of Procedure: the impact of the budgetary crisis on the list of working languages of the Assembly", the Assembly informs the Committee of Ministers that, among the measures which it is forced to take because of the drastic reduction of its budget for 2018 and 2019, it has decided to reduce the number of its working languages, as the relevant expenses are no longer covered in the Assembly's budget by the payment of the corresponding funds from the Council of Europe's ordinary budget.
3. In this connection, the Assembly refers to the clear position which it took in [Recommendation 2072 \(2015\)](#) on the allocation of seats in the Parliamentary Assembly with respect to Turkey, making the introduction of Turkish as a working language in the Assembly strictly conditional upon the Committee of Ministers' decision to allocate to it in the biennial budget for 2016-2017 and in subsequent budgets the necessary and adequate financial allocations.
4. The Assembly has serious questions about the nature of the "exceptional circumstances" which, under the Committee of Ministers' decision of 10 November 1994 (95th session), enable the Committee of Ministers to exonerate the Russian Federation from its financial obligations to the Organisation for two years, the Russian Federation having frozen all payments to the Organisation since July 2017. The reasons given by the Russian Federation to absolve itself from its commitments do not in any way tally with such circumstances.
5. Given the Organisation's critical budgetary situation, the Assembly is surprised that the Committee of Ministers, the Council of Europe's decision-making body, has not ensured compliance with the provisions of the Statute of the Council of Europe (ETS No. 1) and specifically reminded the Russian Federation of the terms of Article 39 of the Statute, according to which member States' contributions to the Organisation's budget must be paid to the Secretary General "not later than six months" after notification of the amount. The Assembly urges the Committee of Ministers to take the necessary measures, for which it alone is responsible, namely implementation of Article 9 of the Statute.
6. Referring to the position which it took in [Opinion 294 \(2017\)](#) "Budget and priorities of the Council of Europe for the biennium 2018-2019", the Assembly expects the Committee of Ministers and member States of the Council of Europe to resolutely support the capacities and resources of the Council of Europe. The Assembly deplores the fact that the passive attitude of some member States led the Committee of Ministers to maintain zero nominal growth when adopting the Council of Europe's 2018-2019 budgets, while only a minority of them are blocking the decision to return to zero real growth, which is vital to halt the erosion of the Organisation's financial resources.
7. The Committee of Ministers must meet its obligations and defend the Council of Europe: the member States must be ready to pay the price for having an efficient Organisation that is unique in its areas of responsibility. It believes that if one or more States fail to meet their obligations, the others must jointly ensure the funding of the Organisation's basic expenses and, in any case, guarantee the long-term operation of the two statutory organs, the European Court of Human Rights, the Office of the Council of Europe Commissioner for Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the major Partial Agreements and the convention monitoring bodies.
8. Given the seriousness and the exceptional nature of the budgetary crisis facing the Council of Europe, the Assembly expects the Committee of Ministers to:
 - 8.1. formally call on the Russian Federation to honour without delay its financial obligations and pay the sums which it owes the Organisation; in this connection, it believes that the reasons given by the Russian Federation to absolve itself from its commitments do not in any way tally with "exceptional circumstances" and that the Committee of Ministers should remind the Russian Federation of the need to honour its financial obligations, in accordance with Articles 39 and 9 of the Statute of the Council of Europe;

3. Draft recommendation adopted by the committee on 9 March 2018.

8.2. review the decision which it took at its 95th session (10 November 1994) concerning the application of Article 9 of the Statute with all the diligence, urgency and thoroughness which the situation demands, and establish compliance by the member States with the common deadline of six months provided in Article 39 as the basis for imposing sanctions on member States which fail to meet all or a substantial portion of their financial obligations;

8.3. with a view to sound risk management and in order to ensure greater budgetary predictability and stability, revise the Council of Europe's Financial Regulations and introduce precise rules on member States acceding to or withdrawing from the status of major contributor, in particular by introducing a minimum period for holding that status, of at least six years (three biennial budgetary exercises), and a waiting period following notification of a decision to withdraw from the status, which must not come into effect until at least one year later;

8.4. raise the rate of default interest payable by defaulting member States to a level sufficient to have a genuine deterrent effect.

9. The Assembly urges the Committee of Ministers and all member States to make available to the Organisation, in a reserve account, the unspent balance which may be identified at the closing of the 2017 accounts, instead of returning to States the unspent amounts resulting from savings relating to the measures implemented across the Council of Europe in the second half of 2017. The Assembly points out in this connection that if the Russian Federation were to pay its unpaid contribution to the 2017 budget, the sums in question would not be paid into the Organisation's 2018 budget but would be counted as part of the unspent balance for 2017. The use of funds put in reserve would remain subject to the decisions of the Committee of Ministers on the basis of proposed allocations submitted by the Secretary General of the Council of Europe.

10. The financial future of the Council of Europe depends heavily on the Committee of Ministers: this is a unique opportunity for member States to confirm their support for an irreplaceable Organisation. The Council of Europe has a cost; it also has a price: for certain States a few million euros less is the price of abandoning and breaking with the commitment to support the principles and values of the Council of Europe. The Assembly therefore invites the Committee of Ministers to place this matter high on the agenda of its 128th ministerial session (Denmark, 18 May 2018).

C. Explanatory memorandum by Ms Petra De Sutter, rapporteur

1. Introduction

1. On 15 December 2017, the Bureau of the Assembly held an exchange of views on the expenditure of the Parliamentary Assembly for the 2018 financial year in the light of the decisions of the Committee of Ministers on the adoption of the 2018-2019 Council of Europe budget and the decisions of certain member States, in particular that of the Turkish Government to no longer be a major contributor to the Council of Europe budget with effect from 1 January 2018. The Bureau consequently asked the Committee on Rules of Procedure, Immunities and Institutional Affairs to draft a “report modifying the Assembly’s Rules of Procedure with a view to removing Turkish from the list of working languages of the Assembly”.

2. This report will identify the consequences, in terms of the Rules of Procedure, of the budgetary restrictions drastically affecting the Assembly, with a change to the number of working languages in the Assembly being the first of those consequences.

2. Budgetary situation of the Council of Europe

3. On 21 November 2017, the Committee of Ministers adopted the Council of Europe’s general budget and the budget of the Partial Agreements for the 2018-2019 biennium. The Committee of Ministers decided to maintain its strict policy of zero nominal growth, and did not accept the proposal of the Secretary General of the Council of Europe to return to real zero growth capped at 0.5%. Consequently, continuation of zero nominal growth of member States’ contributions means that additional savings of more than €4.5 million must be identified to compensate the increased costs in the budgets of the 2018-2019 biennium.

4. On 31 October 2017, Mr Mevlüt Çavuşoğlu, the Turkish Minister for Foreign Affairs, informed the Secretary General of the Council of Europe by letter of the decision of the Turkish authorities to no longer be a major contributor to the Council of Europe budget, without specifying the date on which this decision would come into effect. Nonetheless, the member States (including Turkey) adopted the Council of Europe 2018 budget by consensus taking account of Turkey’s contribution for 2018 as a major contributor. It will be recalled that Turkey provided an additional amount of almost €20 million per year in 2016 and 2017.

5. On 13 December 2017, the Permanent Representative of Turkey confirmed to the Committee of Ministers that Turkey would stop being a major contributor at the end of 2017. This means a drastic reduction in the Organisation’s budgetary resources of €19.6 million for all the budgets (i.e. 6% of the entire budgets), of which €15 million for the ordinary budget (the Turkish contribution falling from 34 to 13 million euros).

6. In addition to these decisions – resulting in a “shortfall” of €18 million in the “receipts” of the ordinary budget of the Organisation (€15 million as a result of the decision by Turkey and €2.8 million following the decision by the Committee of Ministers to readjust the budget downwards) – is the non-payment by the Russian Federation. On 3 July 2017, the Government of the Russian Federation informed the Secretary General of the Council of Europe of its decision not to pay two thirds of its contribution to the 2017 budget (namely €22.65 million) pending the “complete and unconditional restoration of the powers of the delegation of the Federal Assembly of the Russian Federation to the Parliamentary Assembly”. Since that date, Russia has frozen all payments to the Organisation.

7. All the Council of Europe’s activities are impacted by these successive decisions, with far-reaching implications on the investment budget and staff expenses. For the Assembly (and the Congress of Local and Regional Authorities), this means the postponement *sine die* of the renovation of the Assembly Chamber.

3. Budgetary crisis: consequences for the expenditure of the Assembly and the way it operates

8. As a result of the budgetary decisions of the Committee of Ministers and Turkey’s decision to no longer be a major contributor, the Assembly will be required to freeze €1.5 million out of a total budget of a little under €17.5 million for 2018, of which €450 000 on staff expenses and €1 050 000 on operating expenditure. This will lead to a number of measures of varying degrees of severity – freezing and/or suppression of posts and positions within the Assembly secretariat; reduction in operating expenditure (interpretation, translation, number of committee meetings, rapporteur missions, etc.).⁴ Interpretation in Turkish (€700 000) is therefore no longer funded in the Assembly budget by the corresponding grant from the ordinary budget.

9. The draconian reduction in the Assembly budget, a consequence of the Turkish decision to revert to its initial status of ordinary contributor to the Council of Europe budget, calls for drastic measures. The first of these is to no longer cover out of the Assembly budget the cost of interpretation in Turkish in plenary sittings and in committee meetings or the publication of the reports of debates in Turkish and the translation of adopted texts into this language. In order to implement such a measure, the corresponding provisions in the Rules of Procedure must first be modified.

3.1. Turkish as a working language of the Assembly

10. Article 12 of the Statute of the Council of Europe (ETS No. 1) provides that “[t]he official languages of the Council of Europe are English and French” and that the Rules of Procedure of the Parliamentary Assembly “shall determine in what circumstances and under what conditions other languages may be used”. The Assembly’s Rules of Procedure supplement this provision, granting German, Italian, Russian and Turkish the status of working languages (Rule 28.3).

11. It will be recalled that in May 2015, the Assembly had supported “the request made by the Turkish parliamentary delegation to introduce Turkish as a working language in the Assembly”, asking the Committee of Ministers to amend the Statute of the Council of Europe and set the number of seats allocated to the Turkish delegation at 18 ([Resolution 2058 \(2015\)](#) on the allocation of seats in the Parliamentary Assembly with respect to Turkey). The Assembly’s support for this request had been strictly conditional upon the Committee of Ministers’ decision to allocate the Assembly a corresponding supplementary grant in the ordinary budget to compensate for the additional costs. The financial cost of this measure alone had been estimated at €700 000 per year for the Assembly.

12. In parallel to the procedure initiated in the Assembly to increase the number of seats of the Turkish delegation and recognise Turkish as a working language within the Assembly, the Turkish Government had announced its decision to become a major contributor to the Organisation’s budget with effect from 1 January 2016, in response to the request made by the Secretary General of the Council of Europe to provide the Organisation with the resources it needed to fulfil its role in addressing the many challenges facing Europe.

13. The introduction of Turkish as the working language in the Assembly in sessions and committee meetings resulted in an increase of the expenditure of €700 000 per year, charged to the Assembly budget and broken down as €660 000 for interpretation in plenary sittings (€400 000) and in committees (€260 000), and €40 000 per year for the translation of adopted texts into Turkish (the adopted texts are also translated into Russian, the cost of which is also €40 000).

14. The decisions to be taken concerning modification of the Rules of Procedure in view of the Assembly’s budgetary situation will not in any way affect the number of seats belonging to the Turkish delegation in the Assembly and its committees, nor the allocation of a permanent seat of Vice-President of the Assembly. The status of major or ordinary contributor to the budget of the Council of Europe is unrelated to the number of seats assigned to the parliamentary delegation of the State concerned, as it appears in Article 26 of the Statute of the Council of Europe, in application of Article 6 of the said Statute. From the point of view of the Rules of Procedure, the status of languages in the Assembly and the recognition of a member State’s language as a working language does not depend on the number of seats held by a delegation to the Assembly. Nevertheless, it is a fact that the working languages of the Assembly are those of the major contributors to the Council of Europe budget.

15. It should also be noted that this approach to sorting out the budgetary issue does not in any way prevent members of the Turkish delegation from speaking in their own language in plenary sittings, as is authorised by Rule 29.2 of the Rules of Procedure (“Speeches may be made in a language other than the official or working languages. In such cases the speaker shall be responsible for arranging for simultaneous interpretation into one of the official or working languages ...”). Before Turkey became a major contributor, the cost of Turkish interpretation was borne directly by the Turkish Parliament. Modification of the provisions in the Rules of Procedure would therefore require a return to the previous practice.

4. On 26 January 2018, the Bureau of the Assembly held an exchange of views on the expenditure of the Assembly for the 2018 financial year and approved the proposals presented by the Secretary General of the Assembly; these measures took immediate effect (see Appendix 3 of the synopsis).

3.2. Proposed modifications to the Rules of Procedure

16. Rule 28 of the Assembly's Rules of Procedure on the official and working languages provides that:

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

28.2. Documents of the Assembly shall be published in both official languages.

28.3. The working languages in the Assembly shall be German, Italian, Russian and Turkish."

17. The Rules of Procedure also provide that speeches given in plenary sittings shall be simultaneously interpreted into the six official and working languages (Rule 29) and that interpretation in committees shall also be provided in the six official and working languages (with the exception of the Committee on the Election of Judges to the European Court of Human Rights, which is limited to the two official languages). Interpretation in sub-committees is limited to two languages (Rule 30).

18. The Rules Committee could, in its deliberations, go beyond a simple proposal to remove Turkish from the list of working languages in Rule 28.3. Given the Assembly's current budgetary situation and projections for the future, and notwithstanding the sensitive nature of the linguistic issue in the Assembly, the committee could consider another approach, more flexible in the long term.

19. It could be worthwhile reviewing the provisions in the Rules of Procedure relating to interpretation, recognising as working languages of the Assembly the languages of the States which are major contributors to the Council of Europe budget (currently German, Italian and Russian), provided that the funding is guaranteed by the corresponding provision in the Assembly's budget.

20. In addition, in a difficult budgetary situation, thought could also be given to the value of maintaining publication of the reports in the working languages. This costs the Assembly €55 000 for Italian and German. Similarly, it is no longer relevant or justified to provide the translation of adopted texts into Russian and Turkish, the cost of which is a total of €80 000 (€40 000 per language).

21. It is therefore proposed to modify Rules 28, 30 and 31 of the Rules of Procedure as follows:

- with regard to the working languages, Rule 28.3 could provide that: "The working languages of the Assembly shall be those of the member States which are major contributors to the Council of Europe budget, provided that the necessary appropriations for their funding are entered in the Assembly's budget";
- and Rule 30.1: "Interpretation during the meetings of the committees and the Bureau shall be provided in the official languages and, for working languages, under the conditions stipulated in Rule 28.3. Interpretation at meetings of the Committee on the Election of Judges to the European Court of Human Rights and in sub-committees shall be limited to two official or working languages";
- with regard to the reports of debates; delete the last sentence of Rule 31.1 ("The verbatim records of speeches delivered in any of the working languages shall also be distributed") and amend accordingly the additional provisions relating to the Assembly's debates (Organisation of debates, paragraph 3).

3.3. Anticipate adverse budgetary developments?

22. The Assembly's budgetary difficulties have been magnified by the decisions taken by the Committee of Ministers and the Russian Federation's refusal to pay the first third of its contribution to the 2018 budget. With respect to the 2018 budget, the Assembly shall freeze €1.5 million, i.e. nearly 9% of its total budget; with respect to 2019, however, these €1.5 million might have to be permanently cut from the budget, resulting *inter alia* in the abolition of a number of posts in the Assembly Secretariat.

23. It should be pointed out here that following the injection of funds from Turkey in 2016, the Secretary General of the Council of Europe created 58 new posts (none of them in the Assembly Secretariat). The funding for these posts is no longer available but the Secretary General is refusing to abolish at least 30 of the posts, which he considers to be in priority sectors, and is asking the other entities to cut their staffing levels so that these newly created posts can be preserved.

24. The general savings which the Secretary General of the Council of Europe is asking of the Organisation's directorates general have a direct impact on the Assembly, moreover, as there is a temptation for these directorates to seek first and foremost to reduce or even eliminate items of expenditure on support and assistance for Parliamentary Assembly activities. Such is the case, for example, with spending on audiovisual coverage of Assembly sessions or production of official Assembly documents during part-sessions.

4. Exiting the budgetary crisis: recommendations from the Assembly to the Committee of Ministers

4.1. Urging member States to comply with the Statute of the Council of Europe

25. Article 39 of the Statute of the Council of Europe clearly states that “[t]he Secretary General shall each year notify the government of each member of the amount of its contribution, and each member shall pay to the Secretary General the amount of its contribution, which shall be deemed to be due on the date of its notification, *not later than six months after that date.*” Article 9 of the Statute provides that “[t]he Committee of Ministers may suspend the right of representation on the Committee and on the Consultative (Parliamentary) Assembly of a member which has failed to fulfil its financial obligation during such period as the obligation remains unfulfilled”. In November 1994, at its 95th session, the Committee of Ministers decided that “apart from exceptional circumstances having prevented a member state from fulfilling its obligation, Article 9 of the Statute will be applied to any state which has failed to fulfil all or a substantial part of its financial obligation for a period of two years”.

26. In the current circumstances, it may seem odd, if not incomprehensible, that the Committee of Ministers is not insisting that the provisions of the Statute be complied with. This is tantamount to totally exonerating a State from its financial obligations vis-à-vis the Organisation.

27. In this context, one may have serious questions about the “exceptional circumstances” vis-à-vis the Russian Federation which the Committee of Ministers would appear to recognise and which would legitimise the wait-and-see position of the Committee of Ministers. Only compelling reasons of an economic nature – such as bankruptcy of a State, major financial or monetary crisis – could prevent a State from fulfilling its obligations. The reasons given by the Russian Federation to absolve itself from its commitments do not in any way tally with such circumstances.

28. The Committee of Ministers’ decision in 1994 amounts to authorising any member State not to pay the slightest contribution to the budget of the Organisation for a period of two years. Furthermore, once the budgetary period has closed, a State has not the slightest interest in paying retrospectively the sums due: in point of fact, the Committee of Ministers introduced the rule of the redistribution of the unspent balance (appropriations not used at the close of the budgetary period) to all member States. It is clear that a “defaulting” State would not have the slightest interest in paying a contribution for the previous year and a closed budgetary period since it would be redistributed to other States and would not benefit the Council of Europe by helping to finance its activities. If the Russian Federation were to pay its unpaid contribution to the 2017 budget, the sums in question would not be paid into the Organisation’s 2018 budget but would be counted as part of the unspent balance for 2017.

29. The Committee of Ministers should urgently and seriously review this decision concerning the application of Article 9 of the Statute and resolutely undertake to ensure that member States observe the six-month time limit set out in the Statute, a common time limit which prevails in other international organisations.

4.2. Review budgetary rules

30. The Council of Europe’s financial regulations need to be revised. They do not contain any rules regarding the accession of a member State to the “club” of major contributors or withdrawal from that “club”. The Committee of Ministers should compensate for this shortcoming which has serious consequences in terms of budgetary predictability and stability, and draw up precise rules in this field, in particular by laying down a minimum length for this status, of at least six years, and a waiting period following notification of the decision to withdraw from this status, which cannot come into effect until at least one year later.

31. Similarly, it is surprising that the Committee of Ministers continues to approve the budget of the Organisation “by consensus” and maintains a policy of zero nominal growth only because a small number of States blocks any other decision.

32. At the same time, the current rate of default interest payable by States which fail to pay their financial contributions on time is very low. The Committee of Ministers could revise this rate so that it acts as a deterrent.

33. Lastly, given the seriousness and the exceptional nature of the current budgetary crisis, the Committee of Ministers and all member States could make available to the Organisation, in a reserve account, the unspent balance which may be identified at the closing of the 2017 accounts instead of returning to States the

amounts which the Council of Europe did not spend in 2017. The use of funds put in reserve would remain subject to the decisions of the Committee of Ministers on the basis of proposed allocations submitted by the Secretary General of the Council of Europe.

5. Conclusion

34. The Rules Committee has been asked a question which has not only a regulatory dimension – the necessary modification of the Rules of Procedure – but also a budgetary dimension, as both these aspects fall under its remit. It is therefore proposed that the committee consider a draft resolution relating to the changes to be made to the Rules of Procedure, and in parallel put forward specific recommendations to the Committee of Ministers concerning the current budgetary crisis.

35. As a modification to the provisions in the Rules of Procedure on working languages falls within a much more general context which the committee does not wish to ignore, the rapporteur proposes to amend the title of the report so that it better reflects the scope of her reflections and conclusions.

Appendix – Dissenting opinion⁵ by Mr Şaban Dişli (Turkey, EPP/CD), member of the committee

The introduction of the Turkish language as a working language of the Parliamentary Assembly was a subject of the report entitled “The allocation of seats in the Parliamentary Assembly with respect to Turkey” which was approved at the meeting of the Standing Committee held in May 2015. [Resolution 2058 \(2015\)](#) based on this report noted that the working language status of the Turkish language was supported by the Parliamentary Assembly.

Furthermore, [Recommendation 2072 \(2015\)](#) based on the same report, which was transmitted to the Committee of Ministers, recommended that the necessary budget allocation be made without any connection with the major contributor status.

Turkey’s commitment to maintain the working language status of the Turkish language and to provide the necessary financial contribution was recorded by letter of 21 February 2018 by the Chairperson of the National Delegation, Mr Akif Çağatay Kılıç, addressed to the President of the Parliamentary Assembly, Mr Michele Nicoletti.

At the time of the approval of [Resolution 2058 \(2015\)](#), there was no regulation as “languages of major contributor countries are working languages of the Parliamentary Assembly”. Now, we see an attempt to establish such a link through the draft report of Ms De Sutter (paragraph 6.1 of the draft resolution).

The draft report highlights Turkey’s decision to end its status as a major contributor and the Russian Federation’s non-compliance with its budgetary obligations to the Council of Europe.

Thus, the draft report contains elements beyond the removal of Turkish from the working languages. Such issues as the overall budget of the Council of Europe and the Russian Federation's failure to pay contributions to the Organisation budget have been tackled in the draft report and thus, making it a political text beyond the purpose of amending the Rules of Procedure. Yet these kinds of considerations need to be avoided in the amendments made to the Statute and Rules of Procedure.

Turkish is currently a working language of the Parliamentary Assembly and ending this status will be a political choice of PACE beyond budgetary considerations. As a matter of fact, it has been communicated that Turkey is ready to cover the expenses for keeping Turkish as a working language of the Assembly. Therefore, no financial argument can be made that the requirement of making the necessary budgetary allocation argued by the Parliamentary Assembly since 2015 for having Turkish as a working language will not be met.

The proposal in the draft report for the status of working language only for “major contributor” countries cannot be accepted from the point of view of democratic and representative norms. “Major contributor” status should not turn into a “club” as stated in the draft report. Working languages should not be privileges conferred to the “major contributors club” but should be evaluated independently of the “major contributor” status. Such an approach is at the core of democracy and especially representative democracy, which constitutes one of the pillars of the Council of Europe.

If Turkish is excluded from the working languages of the Parliamentary Assembly, the language of a country with the third largest population in the Council of Europe, will be deprived of linguistic representation in the Council of Europe.

The Committee on Rules of Procedure should also consider the option of thinking and deciding in a more flexible way with regard to the issue of working languages. In this respect, the suggestion made by the rapporteur in the draft recommendation of the report is noteworthy.

In this context, assuming the working language costs can also be considered as a voluntary contribution. Mr Andreas Gross, rapporteur on “The allocation of seats in the Parliamentary Assembly with respect to Turkey” where Turkish was recognised as a working language, presents in his report such a voluntary contribution as an option (paragraph 33 and footnote 20).

5. Rule 50.4 of the Assembly’s Rules of Procedure: “The report of a committee shall also contain an explanatory memorandum by the rapporteur. The committee shall take note of it. Any dissenting opinions expressed in the committee shall be included therein at the request of their authors, preferably in the body of the explanatory memorandum, but otherwise in an appendix or footnote.”