



Resolution 2278 (2019)¹

Modification of various provisions of the Assembly's Rules of Procedure

Parliamentary Assembly

1. Considering that its actions and decisions must be founded on clear, consistent and effective parliamentary rules and procedures, the Parliamentary Assembly intends to continue with the process of updating its Rules of Procedure. It recalls that it has regularly amended its rules in recent years in order to accommodate changes in parliamentary practice, clarify rules or procedures where their application or interpretation has raised difficulties, or to address specific problems. It therefore intends to take due account of the proposals submitted by its members, national delegations, political groups and committees, particularly in the context of the work of the Bureau's Ad hoc Committee on the Role and Mission of the Parliamentary Assembly, and make the necessary adjustments in its Rules of Procedure.

2. Accordingly, the Assembly decides to amend its Rules of Procedure as follows:

2.1. with regard to the conditions for the formation and dissolution of a political group, amend Rule 19 as follows:

"19.1. Representatives and substitutes may form political groups according to their political affinities. To be acknowledged by the Bureau, political groups shall undertake, in particular in their political charter, statutes and activities, to promote and respect the values of the Council of Europe, notably political pluralism, human rights and the rule of law.

19.2. A political group shall have no fewer than 28 members of at least eight national delegations. No Assembly member may belong to more than one political group.

19.3. At the time it is formed, each political group shall submit to the Bureau of the Assembly a statement which shall include the name of the group, the list of its members, the composition of its bureau, a political charter setting out the purpose of the group, and its statutes or rules of procedure, which shall conform to the European Convention on Human Rights. All members of the group shall declare in writing in an appendix to the statement that they share the same political and ideological affinities.

Each group shall notify the Bureau of any subsequent changes as soon as possible.

Any political group which no longer satisfies the conditions set out in Rule 19.2 shall cease to exist. This shall be notified to the Bureau by the Secretary General of the Parliamentary Assembly. The Bureau shall take note thereof at its subsequent meeting."

(no changes to 19.4, 19.5 and 19.6);

1. *Assembly debate* on 11 April 2019 (16th Sitting) (see [Doc. 14849](#), Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Egidijus Vareikis). *Text adopted by the Assembly* on 11 April 2019 (16th Sitting).



2.2. with regard to the status and prerogatives of members of the Assembly not belonging to any political group (non-registered), and the allocation of seats in certain committees, amend Rule 44.3 as follows:

“44.3.b. The Bureau shall appoint two additional members to the Committee on Rules of Procedure, Immunities and Institutional Affairs from among the representatives and substitutes of the Assembly who do not belong to any political group. The political groups shall nominate the members with a view to ensuring a fair representation of national delegations where applicable.”;

2.3. with regard to the status of the immediate past President of the Assembly, amend Rule 20.3 as follows:

“20.3. For as long as he or she remains a representative or substitute in the Assembly, and provided that he or she has not resigned as President or has not been dismissed from office pursuant to Rule 54, the immediate past elected President shall be an ex officio member of the Committee on Political Affairs and Democracy, the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and the Committee on Rules of Procedure, Immunities and Institutional Affairs. Rule 44.6 shall not apply to him or her.”;

2.4. with regard to the procedure for the election of judges to the European Court of Human Rights:

2.4.1. amend paragraph 4.i of the terms of reference of the Committee on the Election of Judges to the European Court of Human Rights as follows:

“4.i. The committee shall vote by a majority of the votes cast. A decision to consider a single-sex list of candidates in exceptional circumstances shall require a two-thirds majority of the votes cast. The committee shall vote on candidates by secret ballot. Only members who have attended in full the interview procedure for a post of judge may vote. Members of the committee from the country whose list is under consideration shall not have the right to vote, either on the possible rejection of their country’s list or on the expression of preferences among candidates. For any other decision, voting shall take place by a show of hands. However, voting may be by secret ballot if requested by at least one-third of the members present. The chairperson shall be entitled to vote.”;

2.4.2. revise the additional provisions on candidates for the European Court of Human Rights by amending [Resolution 1366 \(2004\)](#), modified, as follows:

– replace paragraph 3 by the following:

“3. The Assembly decides not to consider lists of candidates where:

i. the areas of competence of the candidates appear to be unduly restricted;

ii. not all of the candidates fulfil each of the conditions laid down by Article 21, paragraph 1, of the European Convention on Human Rights;

iii. one of the candidates does not appear to have an active knowledge of one of the official languages of the Council of Europe and a passive knowledge of the other;

iv. the national selection procedure did not satisfy the minimum requirements of fairness and transparency;

v. the Advisory Panel was not duly consulted.

In such cases, the Committee on the Election of Judges to the European Court of Human Rights shall decide on a proposal to reject a list of candidates by a majority of the votes cast. This proposal shall be endorsed by the Assembly in the Progress Report of the Bureau of the Assembly and the Standing Committee. The Assembly’s endorsement of the proposal to reject a list entails its definitive rejection; the State concerned is invited to submit a new list. Rejection by the Assembly of the committee’s proposal to reject a list shall entail the referral of the list back to the committee.”;

– revise paragraph 4 as follows:

“4. Moreover, the Assembly decides to consider single-sex lists of candidates when the candidates belong to the sex which is under-represented in the Court (i.e. the sex to which under 40% of the total number of judges belong), or in exceptional

circumstances where a contracting party has taken all the necessary and appropriate steps to ensure that the list contains candidates of both sexes meeting the requirements of paragraph 1 of Article 21 of the European Convention on Human Rights.

Such exceptional circumstances must be duly so considered by a two-thirds majority of the votes cast by members of the Committee on the Election of Judges to the European Court of Human Rights. If the required majority has not been achieved, the committee shall recommend that the Assembly reject the list concerned. This position shall be endorsed by the Assembly in the Progress Report of the Bureau of the Assembly and the Standing Committee.”;

- add after paragraph 5 the following new paragraph:

“The Chairperson or a representative of the Advisory Panel shall be invited by the Chairperson of the Committee on the Election of Judges to explain the reasons for the panel’s views on candidates, during the briefing sessions scheduled before each set of interviews.”;
- 2.5. with regard to the election of bureaux of committees, amend Rule 46.2 as follows:

“Until the chairperson of the committee is elected or, in the absence of agreement among the political groups or of any candidate put forward for the position of chair, until the vice-chairpersons are elected, the meeting shall be chaired by the oldest member present, under whose chairpersonship no subject other than the election of the bureau of the committee may be considered.”;
- 2.6. with regard to speaking time in sittings:
 - 2.6.1. amend paragraph 1 of the additional provisions relating to Assembly debates on speaking time as follows: “Speakers registered for a debate shall have three minutes’ speaking time”;
 - 2.6.2. amend paragraph 4 of the additional provisions relating to Assembly debates on speaking time as follows: “For the chairpersons of committees submitting a report, the time for reply shall be three minutes”;
 - 2.6.3. amend Rule 53.4 as follows: “A current affairs debate may not exceed one and a half hours. It shall be opened by one of the members who requested the debate, as chosen by the Bureau. He or she shall be allowed ten minutes”;
- 2.7. with regard to the communication from the Chairmanship of the Committee of Ministers and that of the Secretary General of the Council of Europe, amend the guidelines for questions to guest speakers:
 - by supplementing Chapter A on “Questions to the Chairperson-in-office of the Committee of Ministers”, by adding a new paragraph 1 worded as follows:

“In order to enable members of the Assembly to put their questions to the Chairperson of the Committee of Ministers and to hear the replies, the presentation of the report on the activities of the Committee of Ministers may not exceed one-third of the total time allotted for the communication from the Committee of Ministers.”;
 - by supplementing Chapter B relating to “Questions to other guest speakers” by adding a new paragraph 7 worded as follows:

“Representatives and Substitutes may put written questions to the Secretary General of the Council of Europe for oral answer. They must enter their names on the appropriate register and submit the text of the question at least one week before the opening of the part-session. Written questions on the same subject or related subjects may receive a joint answer. This exercise requires the consent of the Secretary General.”;
- 2.8. with regard to the publication of speeches which could not be delivered in the sitting, amend paragraph 3 of the additional provisions relating to Assembly debates concerning the organisation of debates, by replacing the last sentence with the following: “The text, in electronic format and no longer than 400 words, shall be submitted to the Table Office no later than four hours after the list of speakers is interrupted.”;

2.9. with regard to the title in French for the Presidential Committee, in the French text of Rules 14, 20.1 and 46.3, replace “Comité des présidents” by “Comité présidentiel”.

3. Furthermore, with regard to improving the procedure for considering motions for resolutions and recommendations tabled by members of the Assembly or committees, the Assembly calls for observance of the provisions set out in Rules 26.3 and 26.4 of the Rules of Procedure and reiterates that, in stipulating that proposals for references, transmissions to committees or no further action must be ratified by the Assembly, the Rules of Procedure lay down a principle that such ratification implies a final and irrevocable decision. It further calls on the Bureau of the Assembly to ensure compliance with the regulatory provisions relating to the lapse of references to committees and to approve and implement the procedural guidelines drawn up by the Secretary General of the Parliamentary Assembly, when considering new motions for a resolution or a recommendation.

4. With regard to the provisions relating to requests for an urgent or current affairs debate, the Assembly calls on the Bureau of the Assembly to lay down criteria for the admissibility and selection of requests for debates under the urgent procedure and current affairs debates, while updating the criteria it approved in 2007.

5. With regard to participation in the three committees whose members are appointed by the political groups, the Assembly asks the groups to take the necessary robust measures to ensure an appropriate level of participation and to replace in the committees concerned the members they have appointed who have a poor attendance record, by introducing a rule of principle, for example to replace members after three consecutive, or five non-consecutive, absences.

6. The Assembly decides that the amendments to the Rules of Procedure contained in this Resolution shall enter into force upon their adoption. As transitional measures, political groups which do not fulfil the conditions laid down in Rule 19.2 as amended shall cease to exist on 30 June 2019.

7. The Assembly wishes to clarify the consequences of the disappearance or dissolution of a political group and considers that, once a group has ceased to exist, members of that group automatically become non-registered members; committee chairpersons and vice-chairpersons elected in respect of that group shall retain their term of office until it expires; members of 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 immediately lose their seats; members of an ad hoc committee for the observation of elections shall also immediately lose their seats.