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## Challenge on substantive grounds of the still unratified credentials of the parliamentary delegation of the Russian delegation

### Committee Opinion<sup>1</sup>

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Mr Alvisе MANIERO, Italy, Members not belonging to a Political Group

### A. Conclusions of the committee

The Committee on Rules of Procedure, Immunities and Institutional Affairs is of the opinion that the proposal contained in the report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe on the examination of the credentials of the Russian parliamentary delegation ([Doc. 15050](#)) is in accordance with the Assembly's Rules of Procedure and the Statute of the Council of Europe.

### B. Explanatory memorandum by Mr Alvisе Maniero, rapporteur for opinion

#### 1. Introduction

1. At the opening of the session of the Parliamentary Assembly on 27 January 2020, the unratified credentials of the Russian parliamentary delegation were challenged on substantive grounds on the basis of Rule 8 of the Rules of Procedure. The challenge referred to the ongoing legislative process in the Russian Federation with regard to the proposed constitutional amendments and its possible impact on the compliance of the Russian Federation with its commitments and obligations in the Council of Europe and with recommendations included in [Resolution 1990 \(2014\)](#), [Resolution 2034 \(2015\)](#), [Resolution 2063 \(2015\)](#) and [Resolution 2292 \(2019\)](#). In accordance with Rule 8.3, the Assembly referred the credentials to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) for report and to the Committee on Rules of Procedure, Institutional Affairs and Immunities for opinion.

2. On 28 January 2020, the Monitoring Committee adopted a report and a draft resolution. The draft resolution proposes:

*“the Assembly does not consider Rule 8.2.a. or 8.2.b. applicable and resolves to ratify the credentials of the Russian Federation”.*

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1. Reference to committee: Assembly decision, Reference 4490 of 27 January 2020. Reporting committee: Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). See [Doc. 15050](#). Opinion approved by the committee on 28 January 2020.



## 2. On the compatibility of the proposed decision with the Assembly's Rules of Procedure

3. The rapporteur considers that it is the responsibility of the Committee on Rules of Procedure, as part of its mandate, to examine the compatibility with the Rules of Procedure of the decision not to apply 8.2.a. or 8.2.b and to ratify the credentials of the Russian Federation proposed by the Monitoring Committee.

4. The rapporteur notes that to date, there is no other framework for the implementation of Rule 8.2.a. or 8.2.b than [Resolution 1115 \(1997\)](#)<sup>2</sup> and the Opinion to the Bureau of the Assembly that the Rules Committee approved on 30 September 2014.<sup>3</sup>

5. The above-mentioned Opinion to the Bureau of the Committee on Rules of Procedure:

- draws up a list of rights of participation and representation in the activities of the Assembly and its bodies that may be suspended or deprived in the context of a challenge to credentials, while pointing out that such a list cannot be exhaustive;
- establishes a rigorous general framework to ensure that the Assembly's decision on the deprivation or suspension of rights is clear, consistent, rational and understandable, namely that any decision by the Assembly to adopt sanctions should retain a degree of regulatory rationality and legal consistency so as to meet the need for legal certainty which must apply to any decision of this importance.

6. In accordance with Rule 10.1 of the Rules of Procedure, the Monitoring Committee can propose, in its report:

- not to ratify the credentials of the delegation;
- to ratify the credentials of the delegation;
- to ratify the credentials of the delegation, while depriving its members of some of the rights of participation or representation in the activities of the Assembly and its bodies or suspending the exercise thereof (immediate or deferred deprivation).

7. On 24 June 2019, the Assembly adopted [Resolution 2287 \(2019\)](#) "Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting" which supplemented Rule 10.1.c. by adding the following clarification:

*"The members' rights to vote, to speak and to be represented in the Assembly and its bodies shall not be suspended or withdrawn in the context of a challenge to or reconsideration of credentials."*

8. As it appears from the report, the Monitoring Committee has examined all the substantive grounds mentioned in Rule 8.2.a. and 8.2.b. and did not find that there were any facts which could give rise to apply any of those grounds in respect of the Russian Delegation. The Monitoring Committee therefore concluded that the credentials of the Russian Federation should be ratified. Having reviewed the available material, the Committee on Rules of Procedure has not found any reason not to follow the proposed conclusion.

9. Therefore, the rapporteur concludes that the Monitoring Committee's proposal to ratify the credentials of the Russian Federation is in accordance with the Assembly's Rules of Procedure.

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2. [Resolution 1115 \(1997\)](#) reads: "The Assembly may penalise persistent failure to honour obligations and commitments accepted, and lack of cooperation in its monitoring process, by adopting a resolution and/or a recommendation, by the non-ratification of the credentials of a national parliamentary delegation at the beginning of its next ordinary session or by the annulment of ratified credentials in the course of the same ordinary session in accordance with Rule 6 (now Rules 6 to 10) of the Rules of Procedure. Should the member state continue not to respect its commitments, the Assembly may address a recommendation to the Committee of Ministers requesting it to take the appropriate action in accordance with Articles 7 and 8 of the Statute of the Council of Europe."

3. Deprivation or suspension of the rights of participation or representation of Assembly members in the context of a challenge or reconsideration of the credentials of a delegation under Rules 7, 8 and 9 of the Assembly's Rules of Procedure – document AS/Pro (2014) 10 def).