



Doc. 15178

06 November 2020

Modification of the Assembly's Rules of Procedure on alternative arrangements for the organisation of Parliamentary Assembly part-sessions

Report¹

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Mr Frank SCHWABE, Germany, Socialists, Democrats and Greens Group

Summary

In light of the situation caused by the Covid-19 pandemic, the committee on Rules of Procedure, Immunities and Institutional Affairs has proposed that the Rules of Procedure be amended to enable the Parliamentary Assembly to hold hybrid or remote plenary sessions in exceptional circumstances, in order to ensure its continuity of action as a pan-European forum for interparliamentary dialogue.

When exceptional circumstances, duly defined, do not allow a part-session to be held in the physical presence of all members, the Assembly may resort to alternative procedures enabling it to meet in hybrid or remote mode. These alternative arrangements for the organisation of part-sessions must also enable it to honour its statutory or conventional obligations in respect of elections.

The existing Rules of Procedure should continue to apply fully, except for a number of specific provisions which would be made concerning, in particular, deadlines for the transmission of credentials, the notification of substitutes, the tabling of amendments and the lists of speakers, as well as speaking time in debates.

When exceptional circumstances would allow the Assembly to meet only in a hybrid or remote mode, the Bureau could also decide to make use of the new complementary electoral procedure for electing judges to the European Court of Human Rights, the highest officials of the Council of Europe, or the President and Vice-Presidents of the Assembly, the Assembly then proceeding to these elections by individual electronic voting or by postal voting.

1. Reference to committee: Bureau decision, Reference 4533 of 15 September 2020.



Contents	Page
A. Draft resolution	3
B. Explanatory memorandum by Mr Frank Schwabe, rapporteur	9
1. Origin and scope of this report	9
2. Alternative arrangements for the organisation of the Assembly's part-sessions in exceptional circumstances	10
2.1. General background	10
2.2. Criteria to be taken into account in amending the Assembly's Rules of Procedure	10
3. New regulations on the holding of sessions of the Assembly and meetings of committees, the Bureau and the Standing Committee	10
3.1. Sessions of the Assembly in hybrid or remote mode	11
3.2. Hybrid or remote meetings of committees, the Bureau and the Standing Committee	14
4. Procedure for the election by the Assembly of judges to the European Court of Human Rights and the highest officials of the Council of Europe	15
4.1. Individual electronic voting	16
4.2. Postal voting	17
4.3. The organisation of the votes scheduled for the January 2021 part-session	18
5. Conclusion and proposals	18

A. Draft resolution²

1. The Covid-19 pandemic created an exceptional institutional situation and disrupted the order of business of the Parliamentary Assembly. Since January 2020, the Assembly has no longer been able to meet in plenary session. Some work, in particular the examination of committee reports or the exchange of views with the presidency of the Committee of Ministers, has been devolved to the Standing Committee, whose representativity is however limited. Also, the Assembly is bound by statutory or conventional obligations to perform certain electoral functions, which it has been obliged to postpone but which it can no longer defer.

2. The Assembly was able to react quickly and effectively, as from April 2020, to maintain the activity of its bodies and enable its members, who have been unable to travel because of health restrictions or measures decided by member States, to fulfil, at least partly, their mandate. The Bureau has introduced complementary working methods for committees on a temporary basis, which also apply to the Bureau and the Standing Committee, to enable them to hold remote meetings.

3. However, the Assembly shall ensure its continuity of action as a pan-European forum for interparliamentary dialogue, which is based on its capacity to be the privileged forum for bilateral and multilateral exchanges in the Greater Europe. As one of the two statutory organs of the Council of Europe with also decision-making power, it intends to affirm its willingness to restore its normal mode of operation as soon as possible and to hold its ordinary sessions in the physical presence of its members, better able to fully guarantee the deliberative nature of its functions. The Assembly therefore urges the governments of the Council of Europe member States to facilitate, as far as possible, the travel of its members in order to enable them to fulfil their parliamentary obligations.

4. In view of the uncertainty as to the conditions for organising its 2021 session, the Assembly considers that it should, in such exceptional circumstances, have recourse to alternative procedures enabling it to meet in a hybrid manner or remotely. These possible alternative arrangements for the organisation of the Assembly's part-sessions should also enable it to honour its statutory or conventional obligations by electing judges to the European Court of Human Rights and highest officials of the Council of Europe at the January 2021 part-session.

5. The Assembly considers that the adaptations to its Rules of Procedure should be limited to what is strictly necessary for the holding of a part-session in a hybrid or remote manner linked to the exceptional nature of the present pandemic situation, while considering that such alternative procedures could be applied in the future in any other context, strictly linked to the existence of exceptional circumstances which do not permit the holding of a part-session under normal conditions, namely in the physical presence of all members.

6. The Assembly retains as a general principle that the existing rules governing its normal functioning, in particular the conduct of part-sessions and sittings of the Assembly and meetings of its committees, Standing Committee and Bureau, shall fully apply when these are held in a hybrid manner or remotely, unless specifically provided otherwise. The organisation and holding of hybrid or remote plenary sittings and meetings shall comply with a number of general principles: democratic, orderly and inclusive functioning of sittings; equal rights of members and delegations; transparency; and safety.

7. The Assembly shall decide on the number and duration of part-sessions which it may hold in a hybrid manner or remotely, in accordance with Article 32 of the Statute of the Council of Europe and [Rules 1](#) and [4](#) of its Rules of Procedure, taking into account the particularities of these modes of meeting and the constraints relating to their organisation.

8. Consequently, the Assembly decides to include a new part in its Rules of Procedure (placed after Part 14) devoted to the provisions governing the organisation, in exceptional circumstances, of part-sessions of the Assembly and meetings of committees, the Bureau and the Standing Committee in a hybrid or remote manner.

8.1. Hybrid or remote Assembly sessions:

"1. In exceptional circumstances which do not allow a part-session to be held under normal conditions, in the physical presence of all members, the Bureau of the Assembly may convene a part-session to be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication. The initiative to convene such a part-session may be taken by the President of the Assembly, by the Presidential Committee or at the request of at least one third of the national delegations representing at least half of the

2. Draft resolution adopted by the committee on 3 November 2020.

members of the Assembly. It is for the Bureau to determine the existence of exceptional circumstances and decide in which manner the part-session shall be held (in a hybrid manner or by electronic means of remote communication). The decision of the Bureau shall be taken by a simple majority of the votes cast with a quorum of one third of the members.

2. Exceptional circumstances refer to events such as armed conflict or acts of war, acts of terrorism, disturbances of public order of a political or social nature (riot, insurrection), a major sanitary crisis, a pandemic or epidemic, a natural, environmental or technological disaster, which, by their unusual scale and gravity, are likely to expose members of the Assembly to direct and immediate danger or potential risk, likely to endanger their safety, security or health, or to be a serious impediment to their travel to the seat of the Council of Europe.

3. When drawing up the draft agenda for a part-session to be held in a hybrid manner or remotely, in accordance with [Rule 27.3](#), the Bureau shall fix its dates and duration, taking account of organisational and technical constraints.

4. The existing rules governing the functioning of the Assembly shall fully apply to part-sessions and sittings of the Assembly held in a hybrid manner or remotely, unless otherwise stipulated as follows:

- the credentials of representatives and substitutes shall be transmitted to the President of the Assembly not later than one week before the opening of a part-session ([Rule 6.1](#)); a delegation which fails to meet this deadline may submit its credentials at the next part-session or Standing Committee meeting;
- in the event of a challenge to a delegation's still unratified credentials ([Rules 7.1](#) and [8.1](#)), the President or Vice-President chairing a sitting held in a hybrid manner or remotely shall invite those members who support the challenge to indicate their support by using the available voting system;
- the participation of substitutes authorised to sit and vote in place of absent representatives shall be notified not later than three working days before the opening of a part-session and for the whole duration of this part-session ([Rules 12](#) and [40.1](#));
- with regard to the amendment procedure ([Rule 34](#)):
 - amendments shall be tabled at least two working days before the opening of the sitting concerned and sub-amendments shall be tabled before the beginning of the sitting preceding the sitting concerned;
 - amendments with a scanned handwritten or an electronic signature shall be admissible;
 - the President or Vice-President chairing a sitting shall strictly interpret [Rule 34.7.a](#) on the consideration of oral amendments;
 - members who object to an oral amendment or oral sub-amendment being taken into consideration shall indicate their position using the available voting system;
 - if a committee has not been able to take a position on amendments tabled to its report, the floor will be given to the rapporteur;
- the application of [Rule 29.2](#) (and [Rule 30.2](#) for committees) on simultaneous interpretation in sittings in a language other than the official or working languages shall be suspended;
- the application of [Rules 40.4](#) to [40.8](#) shall be suspended with regard to the roll-call procedure and the display of results in the Chamber and the automatic publication of members' individual votes on the Assembly's website, if these would be not technically feasible;
- when a request is made to ascertain whether there is a quorum ([Rule 42](#)), the President or Vice-President chairing the sitting shall invite those members who support the request (at least one-sixth of the representatives of at least five national delegations who are authorised to vote in the Assembly) to indicate their support by using the available voting system;

- members, whether they are seated in the Chamber in person or remotely, shall register on the list of speakers ([Rule 35.2](#)) using the same existing electronic system; the list of speakers shall be closed 24 hours before the opening of the sitting concerned;
- the list of speakers called upon to speak remotely, or remotely and in person at the same time, shall be carried out in strict compliance with the criteria of political, geographical, national and gender balance; the President of the Assembly will draw up the list of speakers for each debate, assessing the application of these criteria;
- the speaking time during the sittings is modified as follows: rapporteurs shall have 10 minutes to present their report and 3 minutes for reply; members shall have 1 minute for questions to guest speakers, the presentation of an amendment or a procedural motion (speaking time for speakers, rapporteurs for opinion and committee chairpersons remaining unchanged at 3 minutes);
- undelivered speeches ([Rule 31.2](#)) may only be published in the verbatim report if the registered speakers, who are remotely connected, can report their actual presence during the debate concerned when it is closed.”

8.2. Hybrid or remote committee meetings:

“In exceptional circumstances which do not allow committee meetings to be held under normal conditions, in the physical presence of all members, the Bureau of the Assembly may decide, for a defined period of time, that committee meetings will be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication. The decision of the Bureau shall be taken by a simple majority of the votes cast with a quorum of one third of the members.

The existing rules governing the functioning of the committees shall fully apply to their meetings held in a hybrid manner or remotely, unless otherwise stipulated. Second, fourth and fifth sentences of [Rule 47.2](#) shall not apply. For any decision [footnote], the committees shall use the available electronic voting system. The [Rules](#) on access to and movement and security within the Council of Europe buildings during sessions of the Parliamentary Assembly and meetings of Assembly committees and sub-committees shall apply *mutatis mutandis*.”

Footnote: “List of decisions concerned:

- appointment of a rapporteur ([Rule 50.1](#)) or a general rapporteur ([Rule 50.7](#))
- approval of a report and adoption of the draft text(s) contained therein ([Rules 50.2 and 50.5](#))
- approval of an addendum to a report ([Rule 50.5](#))
- approval of an opinion and amendments to a report of another committee ([Rule 45.4](#))
- consideration of amendments to a report of the committee ([Rule 34.9](#))
- adoption of a motion for a resolution or recommendation ([Rule 25.2](#))
- setting up of a standing or ad hoc sub-committee ([Rule 49.2](#))
- election of the chairperson or a vice-chairperson of the committee ([Rules 46 and 47.3](#))
- removal of the chairperson or a vice-chairperson of the committee ([Rules 55 and 47.3](#))
- request for urgent procedure ([Rules 51.1 and 52.1](#)) or current affairs debate ([Rules 53.2 and 53.6](#))
- adoption of a declaration
- request for an opinion from the Venice Commission
- recommendation of a candidate for the post of judge to the European Court of Human Rights
- decisions on the implementation of measures taken in the framework of the Code of Conduct for members of the Assembly
- request for the opening of a procedure for monitoring the obligations and commitments of a member State.”

8.3. Hybrid or remote Bureau and Standing Committee meetings:

“In exceptional circumstances which do not allow a meeting to be held under normal conditions, in the physical presence of all members, the President of the Assembly may convene a meeting of the Bureau to be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication.

The Bureau of the Assembly may decide, in the same circumstances and for a defined period of time, that the meetings of the Bureau and the Standing Committee will be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication. The decision of the Bureau shall be taken by a simple majority of the votes cast with a quorum of one third of the members.

For any decision, the Bureau and the Standing Committee shall use the available electronic voting system.”

8.4. Hybrid or remote Joint Committee meetings:

“In exceptional circumstances which do not allow a meeting to be held under normal conditions, in the physical presence of all members, the President of the Assembly may convene a meeting of the Joint Committee to be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication.”

9. The additional provisions relating to the debates of the Assembly, when it meets in hybrid mode or remotely, will apply in accordance with the provisions set out in paragraph 8.1 above.

10. The Assembly resolves to introduce a **complementary electoral procedure** when it is obliged to meet in a hybrid manner or remotely and to proceed to the election of judges to the European Court of Human Rights and highest officials of the Council of Europe – Secretary General and Deputy Secretary General, Secretary General of the Parliamentary Assembly, Commissioner for Human Rights – as well as to the election of the President or Vice-Presidents of the Assembly:

“1. When exceptional circumstances do not allow an Assembly part-session to be held under normal conditions, in the physical presence of all members, and make it impossible to hold an election by secret ballot during that part-session in accordance with the usual procedure, the Bureau of the Assembly may decide that the election shall be held by individual electronic voting or by postal voting, provided that the conditions of security, confidentiality and accessibility which it deems necessary are guaranteed. The decision of the Bureau shall be taken by a simple majority of the votes cast with a quorum of one third of the members.

2. This alternative electoral procedure shall ensure the highest guarantees of transparency, accessibility, security (including data protection), confidentiality, sincerity of the results and full and unquestionable credibility of the vote. It shall guarantee equal rights and equal treatment of Assembly members and delegations and ensure an equal playing field among candidates.

3. Under the same circumstances, the Bureau may decide that the procedure for electing the President and Vice-Presidents of the Assembly (Rules 15 and 16), shall be conducted by secret ballot using the electronic voting system.

4. Individual electronic voting procedure in elections:

- when it draws up the draft agenda for a part-session of the Assembly, the Bureau of the Assembly sets the date and times of the election;*
- the voting register is established on the basis of the list of Assembly members composing the Assembly at the relevant part-session (representatives and duly authorised substitutes for the sitting concerned as notified within the prescribed deadline [see paragraph 8.1.4 – three working days before the opening of the part-session at the latest]); they provide the secretariat with their personal email address and mobile phone number;*
- a single voting register is established for all the ballots held on the same day;*
- a delegation cannot have more voting members than it holds seats in the Assembly;*
- if a second round is organised, the voting register is established on the same basis and includes representatives and duly authorised substitutes for the sitting concerned as notified within the prescribed deadline;*

- *members will receive, by e-mail to their personal mailbox, the curricula vitae of the candidates, as well as, for the election of a judge, the recommendations of the Committee on the Election of Judges to the European Court of Human Rights;*
- *members will receive detailed instructions in advance and will be notified by email of the opening of the vote(s); connection to the voting platform will follow a secure procedure (typing in a unique code received by email or by SMS on the mobile phone, as well as a personal email address); an email will inform them of the closure of the vote(s);*
- *in the event of multiple ballots, the voting operations will take place simultaneously; members will have access to each ballot separately, but they are free to decide not to vote on one or more lists;*
- *when the voting is closed, the results will be made available to the tellers appointed by the political groups (one teller per group appointed among its members in advance of the election);*
- *the President of the Assembly will publicly announce the results of the vote(s) at the earliest possible time; these will be published on the Assembly's website, together with the list of members who actually took part in the vote(s);*
- *technical assistance will be provided by the Council of Europe secretariat to members during the voting process.*

5. Postal voting in elections:

- *the Bureau of the Assembly shall draw up the timetable for the election and the deadlines for each phase of the operations (including taking into account the possible organisation of a second round);*
- *each national delegation shall decide on the names of the members (representatives and duly authorised substitutes) who will be entitled to vote in a given ballot and notify the list of these names to the secretariat of the Assembly in order to establish the voting register; a delegation cannot appoint more voting members than it holds seats in the Assembly;*
- *the Table Office will send to each member thus designated, via the delegation, the postal voting material, namely ballot papers and envelopes, sworn declarations and return envelopes, in as many copies as there are members of the delegation entitled to vote; the Table Office will use the same international transport company (for example DHL, UPS or Chronopost) to send the material to all delegations;*
- *members will receive, by e-mail to their personal mailbox, the curricula vitae of the candidates, as well as, for the election of a judge, the recommendations of the Committee on the Election of Judges to the European Court of Human Rights;*
- *the ballot papers and envelopes sent will be strictly identical for all members and delegations and will not bear any distinguishing marks, so as to ensure the complete confidentiality of the vote;*
- *each member entitled to vote shall complete the ballot paper received, place it in the envelope provided and seal it, and sign the sworn declaration;*
- *a sealed envelope – collecting all the envelopes containing the ballot papers of the members of the delegation entitled to vote, as well as their sworn declarations – shall be sent to the President of the Parliamentary Assembly by an international transport company, under the responsibility of the Speaker of the national parliament concerned, who shall certify the regularity of the vote at delegation level;*
- *the opening of the sealed envelopes and the counting of the votes will be carried out at the secretariat of the Assembly on a date fixed by the Bureau of the Assembly, under the supervision of tellers appointed by the political groups (one teller per group appointed among its members in advance of the election) and physically present in Strasbourg, who will be responsible for opening the envelopes and be able to certify that the counting and tabulation of the results strictly comply with the rules, in particular those concerning the confidentiality of the vote;*

- *a sealed envelope, collecting the ballot papers of several members of a delegation, and containing more ballot papers than there are names on the delegation voting list or more ballot papers than there are sworn declarations transmitted together, shall result in the annulment of all the votes of the delegation concerned;*
- *the President of the Assembly will publicly announce the results of the vote at the earliest possible time; the results will be published on the Assembly's website;*
- *the voting register shall be made available to any Assembly member or any candidate on request;*
- *the above provisions shall apply to the organisation of a second round."*

11. The Assembly decides that the amendments to the Rules of Procedure set out in this resolution shall enter into force upon their adoption.

B. Explanatory memorandum by Mr Frank Schwabe, rapporteur

1. Origin and scope of this report

1. Since January 2020 and the holding of its first part-session, the Parliamentary Assembly has no longer been able to meet in plenary session in Strasbourg and has been forced to postpone, initially, and then cancel its second and third part-sessions. Thereafter, the Bureau of the Assembly decided, on 14 September 2020, “in view of the current sanitary situation, to replace the October part-session of the Assembly by a meeting of the enlarged Standing Committee”.
2. During the same meeting on 14 September, the Bureau examined possible alternative arrangements for the organisation of Parliamentary Assembly part-sessions and requested the Committee on Rules of Procedure, Immunities and Institutional Affairs “to propose to the Assembly necessary changes to its Rules of Procedure in order to enable a plenary session of the Assembly, including the election of personalities, to be held in January 2021 (physically or in hybrid or remote mode)”.
3. Since April 2020, in response to the Covid-19 pandemic exceptional situation, the Assembly has taken a number of measures to maintain the activity of its bodies – committees, Bureau and Standing Committee – and to enable its members who have been prevented from travelling because of restrictions decided by member States to fulfil, at least partly, their mandate. The Bureau introduced complementary working methods for committees, on a temporary basis, which also apply to the Bureau and the Standing Committee, in order to enable them to hold remote meetings.³
4. It should also be noted that, at its meeting on 4 June 2020, the Committee on Rules of Procedure had an exchange of views on alternative approaches with regard to the mode of operation of parliaments in time of the Covid-19 pandemic, on the basis of an information memorandum.⁴
5. The purpose of this report, and the mandate of the committee in this framework, is to set the framework for allowing the Assembly to meet in future either in hybrid mode or remotely, in exceptional cases, and to consider what additional regulatory provisions or modifications of the existing Rules of Procedure may be required in order to do so (see Chapters 2 and 3). This also includes the issue of setting up alternative voting procedures (see Chapter 4). The committee shall ensure that the organisation and holding of such hybrid or remote plenary sittings and meetings comply with a number of general principles: democratic, orderly and inclusive functioning of sittings; equal rights; transparency; and safety.
6. Work on the revision of the Rules of Procedure should go in parallel with the analysis of technical and logistical needs for the organisation of physical, hybrid or remote part-sessions of the Assembly through 2021.⁵ The Committee on Rules of Procedure must be sure that what is proposed is technically possible and feasible, allows for an active, secure and equal participation of all delegations, in time for the opening of the 2021 ordinary session in January 2021.
7. Lastly, the governments of the Council of Europe member States shall be invited to facilitate, as far as possible, the travel of the Assembly members in order to enable them to fulfil their parliamentary obligations. The President of the Parliamentary Assembly should undertake all necessary action in this regard.

3. See Memoranda AS/Bur (2020) 18 rev of 30 April 2020 and AS/Bur (2020) 20 rev of 7 May 2020.

4. “Functioning of the Parliamentary Assembly and national parliaments in time of the Covid-19 pandemic”, information memorandum prepared by the Chairperson of the Committee, document (AS/Pro (2020) 11).

Reference shall also be made of Chapter 3.2 of the report by the Committee on Political Affairs and Democracy on “Democracies facing the Covid-19 pandemic” ([Doc. 15157](#)).

5. See also the Memorandum prepared by the Secretary General of the Parliamentary Assembly on “Alternative arrangements for the organisation of Parliamentary Assembly part-sessions” (document AS/Bur (2020) 35), 7 September 2020, which takes stock of the technological and logistical capacity of the Council of Europe to hold hybrid or remote meetings and of the arrangements already in place or which remain to be undertaken to enable the Assembly to hold hybrid or remote part-sessions.

2. Alternative arrangements for the organisation of the Assembly's part-sessions in exceptional circumstances

2.1. General background

8. Ordinary sessions of the Assembly shall be held in the physical presence of the members: this is the general principle that must be reaffirmed.

9. Given the exceptional circumstances of the Covid-19 pandemic, it cannot be ensured that the Assembly's part-sessions could be held in the nearest future in the physical presence of all the members, due to travel and movement restrictions decided by the national authorities or to national health measures – in particular quarantine – which may apply to certain national delegations and which may prevent or hinder them from coming to Strasbourg. Two options may be considered as alternative arrangements:

- holding remote Assembly part-sessions (the participation of all members takes place only remotely through information and communication technologies);
- holding the Assembly's part-sessions in hybrid mode (which combines physical and remote presence of members).

10. It is very clear from the statements made by Assembly members at the Bureau, Standing Committee and Rules Committee meetings that such alternative modalities shall by no means be permanent and shall only be used in exceptional circumstances. As soon as circumstances permit, the Assembly shall revert to its normal mode of operation and procedures, which are more likely to fully guarantee the deliberative nature of Assembly sessions.

11. The Assembly's Rules of Procedure shall therefore:

- contain a formal provision whereby the Assembly may meet in a hybrid mode or remotely if exceptional circumstances do not allow a part-session to be held in the physical presence of all members; the same provision should also apply for committees, the Bureau and the Standing Committee (Chapter 3);
- include provisions relating to procedures derogating from the usual rules allowing the Assembly to make valid decisions when it meets in hybrid mode or remotely; these relate, in particular, to the voting procedure and the procedure for electing the judges to the European Court of Human Rights and the highest officials of the Council of Europe – Secretary General and Deputy Secretary General, Secretary General of the Parliamentary Assembly, Commissioner for Human Rights (see Chapter 4).

2.2. Criteria to be taken into account in amending the Assembly's Rules of Procedure

12. The whole Rules of Procedure and complementary texts have been designed for (physical) sessions and sittings. It would therefore be completely illusory to want to approve comprehensive alternative procedures. In any case, this may not be needed: the general principle should be that the existing rules shall fully apply unless specifically provided otherwise (*lex specialis*). In order not to complicate the reading of the Rules of Procedure, it is important to limit the specific alternative rules to be put in place to what is strictly necessary.

13. Any alternative procedure, allowing the Assembly to meet in hybrid mode or remotely, shall contain all necessary guarantees to:

- ensure equal treatment of members and delegations, namely equal participation of members in debates (representatives and duly authorised substitutes) and equal rights in decision-making;
- secure the validity of the decisions taken during such sittings.

3. New regulations on the holding of sessions of the Assembly and meetings of committees, the Bureau and the Standing Committee

14. The Committee on Rules of Procedure is invited to consider changes to the Assembly's Rules with regard to setting up additional procedures required to make the plenary Assembly to reconvene in January 2021, if the exceptional situation created by the pandemic persists.

15. The Rules of Procedure could include a new part (placed after Part 14) devoted to the new provisions governing the holding, in exceptional circumstances, of Assembly sessions and meetings of committees, the Bureau and the Standing Committee in hybrid mode or remotely.

3.1. Sessions of the Assembly in hybrid or remote mode

16. Article 33 of the Statute of the Council of Europe, reproduced in [Rule 3](#) of the Assembly's Rules of Procedure, stipulates that Assembly sessions “shall be held at the seat of the Council of Europe unless both the Assembly and the Committee of Ministers concur that the Session should be held elsewhere”.

17. Article 33 does not exclude the possibility of holding a remote part-session. Such a part-session – organised in accordance with alternative arrangements for the participation of members – would be deemed to be held at the seat of the Organisation, since the technical facilities are located there; the broadcasting of sittings from the Chamber and the presence of the President of the Assembly and/or Vice-Presidents in Strasbourg would clearly reinforce this analysis.

18. It is to be noted that the Assembly's Rules of Procedure do not include a clearly defined formal duty for members to meet in person. Rule 12.2 states, at most, that “*Each representative or, in his or her absence, each substitute duly designated by the national delegation, shall sign the register of attendance before entering the Chamber for a sitting.*”

19. It is important to make it clear, once again, that the Assembly shall maintain as a principle that its activities should be conducted in the usual manner as laid down in its Rules of Procedure. Consideration of holding part-sessions and votes in an alternative mode – hybrid or remote – should under no circumstances become a regular mode of operation: it is an exceptional mode of operation in exceptional situations, and it must remain so.

3.1.1. Convening a part-session in hybrid or remote mode

20. It is proposed to leave it to the Bureau of the Assembly (which is responsible for the co-ordination of the activities of the Assembly and shall take decisions on the organisation of part-sessions – [Rule 14.2](#)) to convene a hybrid or remote Assembly part-session if exceptional circumstances do not allow a part-session to be held in the physical presence of the members. The matter is referred to the Bureau on the initiative of the President of the Assembly, the Presidential Committee or by a request from at least one third of the national delegations (16) representing at least half of the members of the Assembly.

21. It will also be for the Bureau to assess whether the circumstances permit the convening of a part-session in hybrid mode or whether a fully remote solution should be preferred. The Bureau could thus ask the President of the Assembly to consult in due course the 47 national delegations about the possibility for their members to travel to Strasbourg in person.

22. The Rules of Procedure of the Assembly could therefore incorporate the following provisions:

“In exceptional circumstances which do not allow a part-session to be held under normal conditions, in the physical presence of all members, the Bureau of the Assembly may convene a part-session to be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication. The initiative to convene such a part-session may be taken by the President of the Assembly, by the Presidential Committee or at the request of at least one third of the national delegations representing at least half of the members of the Assembly. It is for the Bureau to determine the existence of exceptional circumstances and decide on which manner the part-session shall be held (in a hybrid manner or by electronic means of remote communication). The decision of the Bureau shall be taken by a simple majority of the votes cast with a quorum of one third of the members.”

“Exceptional circumstances refer to events such as armed conflict or acts of war, acts of terrorism, disturbances of public order of a political or social nature (riot, insurrection), a major sanitary crisis, a pandemic or epidemic, a natural, environmental or technological disaster, which, by their unusual scale and gravity, are likely to expose members of the Assembly to direct and immediate danger or potential risk, likely to endanger their safety, security or health, or to be a serious impediment to their travel to the seat of the Council of Europe.”

3.1.2. Number and duration of hybrid or remote part-sessions

23. Rule 1 of the Assembly's Rules of Procedure stipulates that “The Assembly shall hold each year an ordinary session divided into several part-sessions. The dates of the sessions shall be fixed by the Assembly or by the Standing Committee or, failing that, by the Bureau in such a way that representatives and substitutes may be notified personally not less than three weeks beforehand”. The Statute of the Council of Europe (Article 32) further provides that “In no circumstances shall the duration of an ordinary session exceed one

month unless both the Assembly and the Committee of Ministers concur". Rule 4 of the Rules of Procedure states that "the period during which the Assembly shall meet in ordinary session shall not exceed a total of 31 days, unless the Assembly and the Committee of Ministers agree otherwise."

24. Consequently, the Assembly may freely use this overall duration to determine the number of part-sessions and the duration of each of them. The Assembly should consider its real capacity to hold a part-session over a whole week (4 and a half days) in a hybrid mode or remotely, including all the items that usually appear on its agenda. The availability of members on a continuous basis, and their effective participation in debates and votes for several consecutive sittings, is an important variable. The experience of the remote Standing Committee's meetings in recent months has been significant. A margin of flexibility should therefore be agreed upon to allow for the possibility of adjusting the timetable of a part-session when it is held in hybrid mode or remotely, allowing also for the calendar of committees and political groups' meetings to be taken into account.

25. The Assembly's Rules of Procedure could therefore provide that "When drawing up the draft agenda for a part-session to be held in a hybrid manner or remotely, in accordance with Rule 27.3, the Bureau shall fix its dates and duration, taking account of organisational and technical constraints." The Bureau shall take a decision for each Assembly part-session when approving the preliminary draft agenda and cannot decide for several successive part-sessions.

3.1.3. Proceedings of the Assembly and conduct of debates

26. Many provisions of the Rules of Procedure remain applicable to a part-session held in a hybrid mode or remotely. However, some procedures, and not the least important ones, are inapplicable as they stand, because they are linked to the presence of members in the Chamber, in particular:

- the procedure for challenging credentials (Rules 7 and 8);
- the participation of substitutes and the determination of the voting rights of representatives and substitutes (Rule 12);
- the voting procedure and methods of voting (Rule 40), including a quorum request (Rule 42);
- the amendment procedure (Rule 34);
- maintenance of *order* in the Chamber (Rules 22 and 23);
- the procedure for electing the Assembly President and Vice-Presidents (Rules 15 and 16 – see below Chapter 4);
- the procedure for the elections by the Assembly of the judges to the European Court of Human Rights and the highest officials of the Council of Europe (complementary texts – see below Chapter 4).
- as well as the provisions relating to the organisation of debates which set out precisely the time allowed for debate, speaking time, the deadline for tabling amendments and the criteria for drawing up the list of speakers (Rule 38 and complementary texts).

27. The Rules of Procedure shall formally stipulate that the existing regulatory provisions apply *mutatis mutandis* to part-sessions and sittings of the Assembly held in a hybrid manner or remotely, and that the notion of members' presence should be understood to mean both their physical presence in the Chamber and their remote presence by the use of electronic means of communication. This is, for example, the case of the provisions concerning the maintenance of order in the Chamber (Rule 22, Rule 35.4 and provisions on the conduct of members of the Parliamentary Assembly during Assembly debates): the sanctions incurred by a member (withdrawal of the floor, immediate exclusion from the Chamber and for a period of two to five sitting days) may apply to sittings held in a hybrid manner or remotely.

28. Adaptations to the Rules must be limited to what is strictly necessary because of the exceptional character of the situation. However, a number of regulatory provisions would need to be adapted, as follows:

- in order to facilitate the transparency of information for members of the Assembly, the credentials of representatives and substitutes shall be transmitted to the President of the Assembly no later than one week before the opening of a part-session (the words "if possible" in Rule 6.1. are hardly compatible with the constraints of hybrid or remote part-sessions, which on the contrary require precise deadlines that are more extensive than for a in-person part-session); a delegation which fails to meet this deadline may submit its credentials at the next part-session;

- in the event of a challenge of still unratified credentials of a delegation (Rules 7.1 and 8.1), the President or Vice-President chairing a sitting held in a hybrid or remote mode shall invite those members who support the challenge (ten members for a challenge on procedural grounds, thirty members for a challenge on substantive grounds) to indicate their support by using the available voting system;
- the participation of substitutes authorised to sit and vote in place of absent representatives should be notified at least three working days before the opening of a part-session, and for the whole duration of the part-session, as a condition for the granting of voting rights (Rules 12 and 40.1);
- the amendment procedure (Rule 34) shall be adapted to the fact that some or all members of the Assembly will not sit in person:
 - the deadlines for tabling amendments should be extended to two working days before the opening of the relevant sitting for amendments (and for sub-amendments, before the beginning of the sitting preceding the relevant sitting);
 - amendments with a scanned handwritten or an electronic signature will be admissible;
 - the President or Vice-President chairing the sitting shall strictly interpret Rule 34.7.a on the consideration of oral amendments;
 - members who object to an oral amendment or oral sub-amendment being taken into consideration shall indicate their position by using the available voting system;
 - if a committee has not been able to take a position on amendments tabled to its report, the floor should be given to the rapporteur;
- simultaneous interpretation in the sitting into a language other than the official or working languages may not be possible due to technical contingencies and health protocol; Rule 29.2 (and Rule 30.2 for committees) may therefore be suspended;
- the Rules of Procedure already provide that “the Assembly shall normally vote by using the electronic voting system” (Rule 40.2); this provision would therefore apply to hybrid or remote sittings with the use of an electronic voting system other than that available in the Chamber in Strasbourg. It goes without saying, however, that the roll-call procedure may not be used (Rules 40.6 to 40.8). Similarly, the display of results in the Chamber (Rule 40.4) and the automatic publication of members' individual votes on the Assembly's website (Rule 40.5) when an electronic voting system other than the one that operates in the Chamber is used remain subject to the development of technical solutions. Ideally, a technical solution could be found allowing for votes cast remotely and those cast in the Chamber (according to the system available in the Chamber) to be merged automatically and lead to a single voting result.
- when a request is made to ascertain whether there is a quorum (Rule 42), the President or Vice-President chairing the sitting shall invite those members who support the request (at least one-sixth of the representatives composing the Assembly who are authorised to vote, belonging to at least five national delegations) to indicate their support by using the available voting system.

29. It is also necessary to adopt new additional provisions relating to Assembly debates when the Assembly meets in hybrid mode or remotely. This is a competence of the Bureau (Rules 14.2 and 38) and, in principle, it should be up to the Bureau to draw up new additional provisions when the Assembly meets in a hybrid manner or remotely (to be submitted to the Assembly for ratification). In view of the time required for the Committee on Rules of Procedure and the Assembly to determine the new decision-making framework for the Assembly, it is proposed that the draft resolution should determine directly all the measures concerned. The additional provisions relating to Assembly debates should be adapted when the Assembly meets in a hybrid manner or remotely, as regards:

- the deadline for tabling amendments (paragraph i.2): it is proposed that amendments be tabled at least two working days before the opening of the relevant sitting and that sub-amendments be tabled before the beginning of the sitting preceding the relevant sitting;
- speeches not delivered (paragraph i.3 – Rule 31.2): it is proposed not to allow their publication in the official report of debates for registered speakers who, being remotely connected, cannot report their actual presence during the debate concerned at the moment when it is closed;
- the registration of members on the list of speakers (paragraph ii): registration of members, whether they sit in person in the Chamber or remotely, will be carried out using the same electronic system in force; the list of speakers should be closed 24 hours before the opening of the sitting concerned;

- provisions concerning the order of speakers (paragraph iii): the management of the list of members called upon to speak remotely, or remotely and in person at the same time, shall be carried out in strict compliance with the criteria of political, geographical, national and gender balance, and it should be left to the President of the Assembly to draw up the list of speakers for each debate, assessing the application of these criteria;
- speaking time (paragraph iv), which could be reviewed and adapted to the conditions of a hybrid or remote sitting: 10 minutes for rapporteurs to present their report and 3 minutes for reply; 1 minute for questions to guest speakers, the presentation of an amendment or a procedural motion (speaking time for speakers, rapporteurs for opinion and committee chairpersons remaining unchanged at 3 minutes).

3.2. Hybrid or remote meetings of committees, the Bureau and the Standing Committee

30. Since April 2020, Assembly committees, the Bureau and the Standing Committee have been holding their meetings remotely, following the complementary working methods established by the Bureau. The present report provides an opportunity to include in the Rules of Procedure formal provisions allowing Assembly bodies to meet in a hybrid manner or remotely.

31. The Assembly Rules of Procedure could therefore include a general provision allowing the chairperson of a committee, and the President of the Assembly with regard to the Bureau and the Standing Committee, to convene a hybrid or remote meeting:

“Hybrid or remote committee meetings – *In exceptional circumstances which do not allow committee meetings to be held under normal conditions, in the physical presence of all members, the Bureau of the Assembly may decide, for a defined period of time, that committee meetings will be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication. The decision of the Bureau shall be taken by a simple majority of the votes cast with a quorum of one third of the members.*

The existing rules governing the functioning of the committees shall fully apply to their meetings held in a hybrid manner or remotely, unless otherwise stipulated. Second, fourth and fifth sentences of Rule 47.2 shall not apply. For any decision [footnote – see paragraph 32], the committees shall use the available electronic voting system. The Rules on access to and movement and security within the Council of Europe buildings during sessions of the Parliamentary Assembly and meetings of Assembly committees and sub-committees shall apply mutatis mutandis.”

“Hybrid or remote Bureau and Standing Committee meetings – *In exceptional circumstances which do not allow a meeting to be held under normal conditions, in the physical presence of all members, the President of the Assembly may convene a meeting of the Bureau to be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication.*

The Bureau of the Assembly may decide, in the same circumstances and for a defined period of time, that the meetings of the Bureau and the Standing Committee will be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication. The decision of the Bureau shall be taken by a simple majority of the votes cast with a quorum of one third of the members.

For any decision, the Bureau and the Standing Committee shall use the available electronic voting system.”

“Hybrid or remote Joint Committee meetings – *In exceptional circumstances which do not allow a meeting to be held under normal conditions, in the physical presence of all members, the President of the Assembly may convene a meeting of the Joint Committee to be held in a hybrid manner (combined remote and in-person participation of members) or by electronic means of remote communication.”*

32. As decided by the Bureau of the Assembly, committees are required to take certain decisions by a vote, subject to quorum requirements.⁶ It is proposed to mention in a footnote the following list of decisions concerned:

- appointment of a rapporteur (Rule 50.1) or a general rapporteur (Rule 50.7)
- approval of a report and adoption of the draft text(s) contained therein (Rules 50.2 and 50.5)

6. See Memoranda AS/Bur (2020) 18 rev of 30 April 2020 and AS/Bur (2020) 20 rev of 7 May 2020.

- approval of an addendum to the report (Rule 50.5)
- approval of an opinion and amendments to a report of another committee (Rule 45.4)
- consideration of amendments to a report of the committee (Rule 34.9)
- adoption of a motion for a resolution or recommendation (Rule 25.2)
- setting up of a standing or ad hoc sub-committee (Rule 49.2)
- election of the chairperson or a vice-chairperson of the committee (Rules 46 and 47.3)
- removal of the chairperson or a vice-chairperson of the committee (Rules 55 and 47.3)
- request for urgent procedure (Rules 51.1 and 52.1) or current affairs debate (Rules 53.2 and 53.6)
- adoption of a declaration
- request for an opinion from the Venice Commission
- recommendation of a candidate for the post of judge to the European Court of Human Rights
- decisions on the implementation of measures taken in the framework of the Code of Conduct for members of the Assembly
- request for the opening of a procedure for monitoring the obligations and commitments of a member State.

33. The quorum requirement is set by Rule 47.3, stipulating that a committee may validly deliberate and take decisions if one third of its members are present. The Bureau has made it compulsory to respect the quorum for any decision taken by the committees when they meet remotely, at the express request of members and delegations wishing to strengthen the validity of decisions taken during videoconference meetings. The quorum rule and the minimum threshold of participation in a vote were important arguments for some members to accept the principle of holding remote meetings. However, the feedback from recent months and recent practice of remote committee meetings has shown some difficulties with the adoption of texts, due to the absence of the quorum. I therefore propose not to incorporate this provision into the alternative regulatory provisions. In that case, Rules 47.3 and 47.4 should also apply for hybrid or remote meetings.

34. As regards the procedure for the election of the bureaux of committees (Rule 46) and sub-committees (Rule 49), the inclusion of a new regulatory provision (see above paragraph 31) specifying that committees shall take their decisions using the electronic voting system⁷ and that this ballot shall be secret “for decisions relating to persons” is sufficient.

4. Procedure for the election by the Assembly of judges to the European Court of Human Rights and the highest officials of the Council of Europe

35. The election by the Assembly of judges to the European Court of Human Rights and the highest officials of the Council of Europe – Secretary General and Deputy Secretary General, Secretary General of the Parliamentary Assembly, Commissioner for Human Rights – is a conventional/statutory duty of the Assembly. According to established practice, these elections take place during an Assembly part-session.

36. All elections by the Assembly – by secret ballot – shall be held in the Chamber, with the participation of the members (physically) present. The procedure for the election by the Assembly of judges to the European Court of Human Rights and highest officials of the Council of Europe, as well as of the President and Vice-Presidents of the Assembly, shall be based on a secret ballot of the members (representatives and duly authorised substitutes) present in the Chamber.⁸

7. The Assembly has already been using the remote voting functionality integrated into the KUDO conferencing platform during the meetings of the Bureau, the Standing Committee and the committees.

8. Rule 40.11 provides that “in the case of appointments, voting shall take place by secret ballot” and refers to the complementary texts on the detailed organisation of voting and the specific rules for each election (see pages 164 and following of the Rules of Procedure).

37. Two options should be considered when exceptional circumstances do not allow an Assembly part-session to be held under normal conditions, in the physical presence of all members, and make it impossible to hold an election by secret ballot during that part-session in accordance with the usual procedure:

- to introduce a complementary procedure for *individual electronic voting*, which could be implemented during part-sessions, only when these are held in a hybrid manner or remotely;
- to introduce a complementary *postal voting* procedure.

38. Any alternative electoral procedure will have to be based on the confidence of members and ensure the highest guarantees of transparency, accessibility (easy to understand by members and easy to manage), security (including data protection), confidentiality (throughout the procedure), the sincerity of the results and a full and unquestionable credibility of the vote. It should guarantee an equal playing field among candidates and allow for an expedient completion of the election process. It will be for the Bureau to decide which voting method shall be most appropriate for a given ballot, taking account of these criteria.

39. A new provision could therefore stipulate that: “When exceptional circumstances do not allow an Assembly part-session to be held under normal conditions, in the physical presence of all members, and make it impossible to hold an election by secret ballot during that part-session in accordance with the usual procedure, the Bureau of the Assembly may decide that the election shall be held by individual electronic voting or by the organisation of a postal ballot, provided that the conditions of security, confidentiality and accessibility which it deems necessary are guaranteed. The decision of the Bureau shall be taken by a simple majority of the votes cast with a quorum of one third of the members.”

4.1. Individual electronic voting

40. The use of electronic voting, guaranteeing strictly personal and confidential suffrage, could be envisaged for any secret ballot, whether it concerns elections by the Assembly of judges to the European Court of Human Rights and highest officials of the Council of Europe, or other internal ballots in the Assembly relating to the election of persons (President and Vice-Presidents of the Assembly).⁹

41. It is essential that all members of the Assembly called upon to vote on matters under discussion and voted on by the Assembly should enjoy equal rights and use the same procedure, whether they are present in the Chamber in person or at a distance. Equal treatment of members and delegations is a fundamental principle.

42. With regard to the procedure for electing the President and Vice-Presidents of the Assembly (Rules 15 and 16), it should be specified in the Rules of Procedure that the Assembly shall conduct these elections by secret ballot using the electronic voting system when exceptional circumstances do not allow an Assembly part-session to be held under normal conditions, in the physical presence of all members.

43. With regard to setting-up an electronic voting procedure in elections, the following procedure might be considered:

- when it draws up the draft agenda for a part-session of the Assembly, the Bureau of the Assembly sets the date and times of the election;
- the voting register is established on the basis of the list of Assembly members composing the Assembly at the relevant part-session (representatives and duly authorised substitutes for the sitting concerned as notified within the prescribed deadline [three working days before the opening of the part-session at the latest]); they provide the secretariat with their personal email address and mobile phone number;
- a single voting register is established for all the ballots held on the same day;
- a delegation cannot have more voting members than it holds seats in the Assembly;
- if a second round is organised, the voting register is established on the same basis and includes representatives and duly authorised substitutes for the sitting concerned as notified within the prescribed deadline;
- members will receive, by e-mail to their personal mailbox, the *curricula vitae* of the candidates, as well as, for the election of a judge, the recommendations of the Committee on the Election of Judges to the European Court of Human Rights;

9. The Council of Europe Directorate of Information Technology is currently working on the development of a secure online voting system.

- members will receive detailed instructions in advance and will be notified by email of the opening of the vote(s); connection to the voting platform will follow a secure procedure (typing in a unique code received by email or by SMS on the mobile phone, as well as a personal email address); an email will inform them of the closure of the vote(s);
- in the event of multiple ballots, the voting operations will take place simultaneously; members will have access to each ballot separately, but they are free to decide not to vote on one or more lists;
- when the voting is closed, the results will be made available to the tellers appointed by the political groups (one teller per group appointed among its members in advance of the election);
- the President of the Assembly will publicly announce the results of the vote(s) at the earliest possible time; these will be published on the Assembly's website, together with the list of members who actually took part in the vote(s);
- technical assistance will be provided by the Council of Europe secretariat to members during the voting process.

4.2. Postal voting

44. Postal voting could be used for the election by the Assembly of judges to the European Court of Human Rights and highest officials of the Council of Europe.

45. With regard to setting-up an election procedure by postal voting, the following procedure might be considered (for each election):

- the Bureau of the Assembly shall draw up the timetable for the election and the deadlines for each phase of the operations (including taking into account the possible organisation of a second round);
- each national delegation shall decide on the names of the members (representatives and duly authorised substitutes) who will be entitled to vote in a given ballot and notify the list of these names to the secretariat of the Assembly in order to establish the voting register; a delegation cannot appoint more voting members than it holds seats in the Assembly;
- the Table Office will send to each member thus designated, via the delegation, the postal voting material, namely ballot papers and envelopes, sworn declarations and return envelopes, in as many copies as there are members of the delegation entitled to vote; the Table Office will use the same international transport company (for example DHL, UPS or Chronopost) to send the material to all delegations;
- members will receive, by e-mail to their personal mailbox, the *curricula vitae* of the candidates, as well as, for the election of a judge, the recommendations of the Committee on the Election of Judges to the European Court of Human Rights;
- the ballot papers and envelopes sent will be strictly identical for all members and delegations and will not bear any distinguishing marks, so as to ensure the complete confidentiality of the vote;
- each member entitled to vote shall complete the ballot paper received, place it in the envelope provided and seal it, and sign the sworn declaration;
- a sealed envelope – collecting all the envelopes containing the ballot papers of the members of the delegation entitled to vote, as well as their sworn declarations – shall be sent to the President of the Parliamentary Assembly by an international transport company, under the responsibility of the Speaker of the national parliament concerned, who shall certify the regularity of the vote at delegation level;
- the opening of the sealed envelopes and the counting of the votes will be carried out at the secretariat of the Assembly on a date fixed by the Bureau of the Assembly, under the supervision of tellers appointed by the political groups (one teller per group appointed among its members in advance of the election) and physically present in Strasbourg, who will be responsible for opening the envelopes and be able to certify that the counting and tabulation of the results strictly comply with the rules, in particular those concerning the confidentiality of the vote;
- a sealed envelope, collecting the ballot papers of several members of a delegation, and containing more ballot papers than there are names on the delegation voting list or more ballot papers than there are sworn declarations transmitted together, shall result in the annulment of all the votes of the delegation concerned;

- the President of the Assembly will publicly announce the results of the vote at the earliest possible time; the results will be published on the Assembly's website;
- the voting register shall be made available to any Assembly member or any candidate on request;
- the above provisions shall apply to the organisation of a second round.

46. The role of national delegations is crucial in the implementation of such a postal voting system. In this connection, the implications of possible changes in the composition of the Assembly, in particular following national parliamentary elections or any other changes that may occur during the ordinary session, should be borne in mind. Whenever new credentials are submitted and ratified by the Assembly or the Standing Committee, the electoral register shall be affected. Delegations must therefore be careful not to designate voting members until they have ascertained that they are members of the current legislature, that their credentials have been ratified by the Assembly, or that they are not likely to leave their parliament when an election procedure by the Assembly has been launched.

47. It is important to stress that, when proceeding with the elections, the same voting method must be used by all members of the Assembly taking part in a given ballot, and that under no circumstances should it be possible to combine postal voting and electronic voting, nor should it be possible to use two different electronic voting systems.

4.3. The organisation of the votes scheduled for the January 2021 part-session

48. The question remains as to how to enable the Assembly to hold elections during the January 2021 part-session.

49. It is reasonable to believe that a two-candidate ballot – as in the case of the election of the Deputy Secretary General of the Council of Europe and the Secretary General of the Assembly – should be completed after the first round. This is not necessarily the case for the election of a judge to the European Court of Human Rights, where there are three candidates, which might require a second ballot. In such a case, a postal vote would lengthen the process.

50. The time constraints and cumbersome process involved in organising a postal vote linked to a particular part-session (such a ballot would take at least three weeks to conduct) can hardly be overlooked.

51. The January 2021 part-session coincides with the opening of the 2021 annual session of the Assembly and the presentation of the credentials of all national delegations for ratification. If a ballot was to be held during that part-session, it would be the members of the Assembly whose credentials had been ratified for the 2021 session who could take part. The organisation of a postal ballot would postpone the announcement of the results beyond the part-session. The solution of electronic voting, which is quick and less cumbersome, would clearly be preferable.

52. It goes without saying that by the meeting of the Bureau, which will have to make the final choice, an electronic voting system offering all the necessary guarantees, in particular with regards to security and confidentiality, under the responsibility of the Council of Europe Directorate General of Administration, should be available.

5. Conclusion and proposals

53. The Assembly should consider proposals for possible changes to the Rules of Procedure and, as recommended by the rapporteur, to decide to include in the Rules of Procedure a new chapter on, *inter alia*:

- the organisation of hybrid or remote part-sessions of the Assembly when a normal part-session cannot be organised due to exceptional circumstances;
- the organisation of hybrid or remote meetings of the Bureau, the Standing Committee and the committees due to exceptional circumstances;
- a remote electronic voting and/or new postal voting procedure for the election by the Assembly of judges to the European Court of Human Rights and of the highest officials of the Council of Europe.

54. Finally, as regards the implementation of the amendments to the Rules of Procedure to be made, the draft resolution proposes that they should enter into force upon their adoption.