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## Modification of the Assembly's Rules of Procedure

### Report<sup>1</sup>

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Ms Ingrid SCHOU, Norway, Group of the European People's Party

### Summary

Recalling that the Parliamentary Assembly's decisions shall be based on clear, consistent and effective parliamentary rules, the Committee on Rules of Procedure, Immunities and Institutional Affairs proposes that amendments be made to the Assembly's Rules of Procedure to reflect developments in parliamentary practice and to clarify procedures whose application or interpretation has raised difficulties.

These proposals concern the clarity of the Monitoring Committee's terms of reference and procedures, the procedure for considering amendments in committee and in plenary, the procedures for electing the President and Vice-Presidents of the Assembly, the candidatures for the bureaux of committees and the holding of current affairs debates.

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1. Reference to committee: Bureau decision, Reference 4502 of 6 March 2020.



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## A. Draft resolution<sup>2</sup>

1. The Parliamentary Assembly recalls that its actions and decisions shall be based on clear, consistent and effective parliamentary rules and procedures. It therefore intends to amend its Rules of Procedure where necessary to reflect the changes in the parliamentary practice and to clarify the rules and procedures where their application or interpretation has raised difficulties.

2. In two successive resolutions, [Resolution 2261 \(2019\)](#) on “The progress of the Assembly's monitoring procedure (January-December 2018)” and [Resolution 2325 \(2020\)](#) on “The progress of the Assembly's monitoring procedure (January-December 2019)”, the Assembly decided to modify its procedures for monitoring the obligations and commitments entered into by member States upon accession to the Council of Europe, in particular with a view to strengthening the periodic review procedure as a complementary mechanism to the monitoring procedure and the post-monitoring dialogue. However, full consistency and coherence of the terms of reference of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) with the general provisions of the Assembly's Rules of Procedure should be ensured.

3. Consequently, the Assembly decides to amend its Rules of Procedure as follows:

3.1. with regard to the procedures implemented by the Monitoring Committee, in order to ensure that a reference to the Monitoring Committee for report is validated by the Assembly when the committee prepares a periodic review report on member States' compliance with their obligations, and to clarify the wording of the Monitoring Committee's terms of reference:

3.1.1. amend [paragraph 8 of the terms of reference of the Monitoring Committee](#), appended to [Resolution 1115 \(1997\)](#) (modified), as follows:

*“The Monitoring Committee is seized, in accordance with [Rule 26 of the Rules of Procedure](#), to carry out regular periodic reviews of the compliance of the obligations entered into upon their accession to the Council of Europe by member States that are not already under a full monitoring procedure or engaged in a post-monitoring dialogue. The order and frequency of these reports will be decided upon by the committee in accordance with its internal working methods based on substantive grounds, with the objective of producing, over time, periodic review reports on all member States.”;*

3.1.2. amend [paragraph 9 of the terms of reference of the Monitoring Committee](#), appended to [Resolution 1115 \(1997\)](#) (modified), as follows:

*“The Monitoring Committee may be seized, in accordance with [Rule 26 of the Rules of Procedure](#), to prepare a report on a cross-country thematic issue, in close co-operation with the relevant Assembly committees.”;*

3.1.3. amend [Resolution 1115 \(1997\) \(modified\)](#) by deleting paragraphs 10 and 13.1;

3.2. with regard to the procedure for considering amendments in committee and in plenary sitting, in order to strengthen the competence of committees when taking a position on amendments tabled, after [Rule 34.11](#), insert the following rule:

*“Any amendment which has been rejected by the committee seized for report by a two-thirds majority of the votes cast shall not be put to the vote in plenary and shall be declared as definitively rejected, unless ten or more members of the Assembly object.”;*

3.3. with regard to the procedures for electing the President and Vice-Presidents of the Assembly, which should be simplified and should now follow the Assembly's ordinary election procedure:

3.3.1. replace [Rules 15.2 and 15.3](#) by the following rule:

*“If only one candidature is proposed to the Assembly, the candidate shall be declared elected without a ballot. When there are several candidates, the President shall be elected by secret ballot in accordance with [Rules 40.11 and 41.b.](#)”;*

3.3.2. replace [Rules 16.4 and 16.5](#) by the following rule:

*“The candidates proposed by the national delegations shall be declared elected without a ballot. However, a vote shall be held by secret ballot in respect of one or several candidates in accordance with [Rules 40.11 and 41.b.](#), if so requested in the Chamber,*

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

*at the moment when the candidatures are presented, by at least twenty representatives or substitutes. Where a candidate is not elected after the second ballot, that seat shall remain vacant until a candidate presented by the national delegation in accordance with [Rule 16.3](#) obtains the requisite majority.”;*

3.3.3. replace [Rule 16.7](#) by the following rule:

*“Vice-Presidents shall remain in office until the opening of the next ordinary session. A Vice-President shall be replaced in the course of the session when he or she is no longer a member of the Assembly, in the event of death, resignation or dismissal pursuant to [Rule 54](#), or when the delegation to which they belong is renewed. A new Vice-President shall be elected, in accordance with the above provisions, at the opening of a part-session. In the order of precedence he or she shall come after the Vice-Presidents previously elected.”;*

3.3.4. in [Rule 41.b](#), delete the words “subject to the provisions of [Rules 15](#) and [16](#)” and add the following footnote:

*“When only one candidature is submitted to the Assembly, members are invited to indicate their choice by “yes” or “no” on the ballot paper mentioning the name of the candidate.”;*

3.4. with regard to candidatures for the bureaux of committees, in order to unify and clarify the conditions relating to candidatures for the office of chairperson or vice-chairperson of committees with regard to members who have already held such offices, amend [Rule 46.7](#) as follows:

*“The chairperson and the vice-chairpersons of a committee shall remain in office until the opening of the next ordinary session of the Assembly. They may be re-elected for one further term, consecutive or not. A committee chairperson or vice-chairperson elected in the course of a session for an incomplete term may be re-elected for two further terms.*

*A former chairperson of a committee may stand for the office of chairperson or vice-chairperson of the same committee on expiry of a period of four years, or of another committee on expiry of a period of two years, for two further terms, consecutive or not.*

*A former vice-chairperson of a committee may stand for the office of vice-chairperson of the same committee on expiry of a period of four years, or of another committee on expiry of a period of two years, for two further terms, consecutive or not.*

*A chairperson or vice-chairperson of a committee who has been dismissed from office pursuant to [Rule 55](#) may not be a candidate for the office of chairperson or vice-chairperson of a committee or a sub-committee.”;*

3.5. with regard to current affairs debates, in order to allow two debates to be held during a part-session or Standing Committee meeting:

3.5.1. in [Rule 53.1](#), replace the words “The Assembly may hold only one current affairs debate in the course of a part-session on a subject matter which is not on the draft agenda” with the words:

*“The Assembly may hold one or two current affairs debates on a subject matter which is not on the draft agenda of the part-session”;*

in [Rule 53.3](#), replace the sentence “The possible choice between several requests shall be made by the Bureau but it may decide not to propose any.” with:

*“The Bureau of the Assembly may decide to accept only one request, to accept two requests or to reject all requests.”.*

4. 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 Ms Ingrid Schou, rapporteur

### 1. Origin and scope of this report

1. In 2019 and 2020, the Committee on Rules of Procedure, Immunities and Institutional Affairs was called upon by the Bureau of the Parliamentary Assembly to examine a number of questions relating to procedures which had caused problems and which might justify a modification of the Assembly's Rules of Procedure.

2. At its meeting on 28 June 2019, the Bureau of the Assembly invited the Committee on Rules of Procedure "to reflect upon certain procedural problems identified during the third part-session" relating to the simultaneous challenge of the credentials of a national delegation on both procedural and substantive grounds, on the one hand, and the timetable for tabling amendments, on the other.

3. Furthermore, in two successive resolutions – [Resolution 2261 \(2019\)](#) on "The progress of the Assembly's monitoring procedure (January-December 2018)" and [Resolution 2325 \(2020\)](#) on "The progress of the Assembly's monitoring procedure (January-December 2019)" – the Assembly decided to modify its procedures for monitoring the obligations and commitments entered into by member States upon accession to the Council of Europe, in particular with a view to strengthening the periodic review procedure as a complementary mechanism to the monitoring procedure and the post-monitoring dialogue.

4. On 23 May 2019, the Bureau requested an opinion of the Committee on Rules of Procedure on the individual periodic review procedure that had been set up, while asking the committee "to also examine the decision-making processes developed by committees and assess their conformity with the Rules of Procedures of the Assembly". On 5 March 2020, the Bureau took note of the committee's opinion on the assessment of the conformity of the decision-making processes developed by committees with the Assembly's Rules of Procedure, and seized the committee for report (see below Chapter 2).

5. Finally, following a well-established practice, this report intends to include other proposals for amendments to the Rules of Procedure relating to procedures needing to be adapted to parliamentary practice or rules requiring clarification. In addition to the two points mentioned in paragraph 2 above – the concomitance of two procedures for challenging the credentials of the same national delegation; the procedure for examining amendments in committee and in plenary – the following procedures have recently caused problems:

- the election of the Vice-Presidents of the Assembly: the implementation of this procedure, which was unused for a very long time, during the October 2019 and January 2020 part-sessions has shown that it is no longer appropriate (the procedure for electing the President of the Assembly is also the subject of the same remark);
- the criteria applicable to the re-election of committee vice-chairpersons led to misunderstandings in some committees which had difficulty in finding candidates who met the regulatory requirements;
- the flow of events of recent months have mobilised members' attention and they wished to stimulate Standing Committee meetings with requests for current affairs debates; in this context, the one debate per Assembly part-session or Standing Committee meeting limit imposed by the Rules of Procedure appeared to be a brake on their willingness to discuss a greater number of subjects.

These proposals for amendment to the Rules of Procedure will be examined in Chapter 3 below.

### 2. Implementation of Resolution 2261 (2019) and Resolution 2325 (2020) on the progress of the Assembly's monitoring procedure

6. [Resolution 2261 \(2019\)](#) and [Resolution 2325 \(2020\)](#) made some minor changes to the terms of reference of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in order to reflect its conclusions of the reflection on its various procedures. A major provision of these two resolutions concerns the procedure for the periodic review of the fulfilment by member States of their obligations for which the selection of countries on which reports are to be prepared, which was before carried out in alphabetical order and without the appointment of rapporteurs, has been replaced by a selection on substantive grounds, depending on the developments regarding these countries. The said selection relies entirely on the free choice of the Monitoring Committee.

7. The Committee on Rules of Procedure was led to consider the procedures implemented by the Monitoring Committee, particularly following the change in the format and the manner of preparing the periodic review reports of the compliance of the obligations entered into upon their accession to the Council of

Europe by member States that are not subject to a full monitoring procedure or engaged in a post-monitoring dialogue with the Assembly ([Resolution 2261 \(2019\)](#) on the progress of the Assembly's monitoring procedure).

8. In the opinion it approved on 29 January 2020 for the Bureau of the Assembly,<sup>3</sup> the Committee on Rules of Procedure noted that the procedures implemented by the Monitoring Committee to ensure compliance with the obligations entered into by all member States under its terms of reference ([Resolution 1115 \(1997\)](#) modified) through four existing procedures – the monitoring procedure *stricto sensu*; the post-monitoring dialogue; the reports on the functioning of democratic institutions in member States; and the periodic reviews of member States – fall outside the generally applicable regulatory provisions in many respects. Whereas a decision to open or reopen a monitoring procedure or a reference to the Monitoring Committee for report on the functioning of democratic institutions requires the approval of the Bureau and ratification by the Assembly, the committee's terms of reference make no such stipulation in the case of periodic review reports. The Monitoring Committee hence has a higher degree of autonomy when it comes to initiating a periodic review, than in the case of opening a monitoring procedure or a post-monitoring dialogue, or preparing a report on the functioning of democratic institutions in member States.

9. The Committee on Rules of Procedure noted, however, that the decision-making process of the committees generally involves intervention by the Assembly upstream (referring motions for resolutions or recommendations to committees or by an Assembly direct decision – [Rules 26.3](#) and [45.1](#)) and downstream (examining the reports submitted by the committees and adopting resolutions, recommendations or opinions – [Rules 33.4](#) and [50.2](#)). [Rule 45.1](#) of the Rules of Procedure is quite clear (“*Committees shall examine documents referred to them under Rule 26 and questions otherwise referred to them by the Assembly or the Standing Committee. (...)*»). While some committees may have a degree of autonomy in the framework of certain specific procedures laid down in the Rules of Procedure,<sup>4</sup> the fact remains that the preparation of their reports must fully comply with the regulatory stipulations and these reports are necessarily ultimately subject to the decision of the Assembly.

10. The Committee on Rules of Procedure therefore considered that care should be taken to unify the four existing procedures and that [the terms of reference of the Monitoring Committee](#) should be modified to make it clear that any decision of the Monitoring Committee must at least be subject to ratification by the Assembly.

11. Furthermore, the Committee on Rules of Procedure noted that the opening or the reopening of a monitoring procedure in the strictest sense in respect of one of the 47 member States is subject to strict criteria and a full and complex procedure detailed in the [committee's terms of reference](#) (paragraphs 3 to 6), which ultimately makes it difficult to actually implement. By contrast, the periodic review procedure, which meets simple criteria defined by the committee's “internal working methods” also makes it possible to monitor “the honouring of membership obligations” by these member States without having to satisfy these kinds of procedural constraint. With the adoption of [Resolution 2325 \(2020\)](#), the Monitoring Committee can now proceed in the same way, when dealing with “periodic reviews”, as it does with monitoring procedures in the strictest sense (appointing co-rapporteurs, organising fact-finding visits, comments by the authorities of the country concerned, etc.), if its “internal working methods” were to decide that this should be so. We hence risk to see a development where the periodic review procedure may replace the strict monitoring procedure, instead of being a less comprehensive procedure that offers an alternative to the monitoring procedure.

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3. “Assessment of the conformity of the decision-making processes developed by committees with the Assembly's Rules of Procedure, and in particular the Monitoring Committee's individual periodic review procedure”, document AS/Pro (2019) 16 def.

4. For example, a challenge of credentials of a national delegation on procedural grounds is automatically referred to the Committee on Rules of Procedure, which enjoys complete autonomy in its assessment of whether or not the credentials should be ratified. It is only if the committee concludes that the credentials should not be ratified or that they should be ratified but that some rights of participation or representation should be suspended that a report goes before the Assembly for debate.

Requests for observer status and for partner for democracy status are automatically referred to the Committee on Political Affairs and Democracy for report.

A motion for dismissal of the President or a Vice-President of the Assembly or a request for the waiver of parliamentary immunity of a member are automatically referred to the Committee on Rules of Procedure, which reports back to the Assembly. A motion for a resolution to amend the Rules of Procedure is also automatically referred to the Committee on Rules of Procedure for report.

The election of judges to the European Court of Human Rights by the Assembly is based on a procedure falling solely within the competence of the Committee on the Election of Judges to the European Court of Human Rights before the Assembly takes a vote.

12. In its above-mentioned opinion, the Committee on Rules of Procedure regarded the choice, made solely by the Monitoring Committee, to open a periodic review procedure in respect of a member State, whereas opening a monitoring procedure covering the same State would have required the confirmation or ratification of this choice by the Bureau and the Assembly, as a violation of the equal treatment of member States and a potential abuse of procedure, particularly as such decisions clearly fall within the sphere of the Assembly's political action.

13. For this reason the Committee on Rules of Procedure considered that the same procedural formalities shall apply in an identical manner to all procedures covered by the terms of reference of the Monitoring Committee and that a reference to the committee should be validated by the Assembly when it prepares a periodic review report, under the same terms as would apply if it were referred to for a report in the context of a "classic" monitoring procedure or a report on the functioning of democratic institutions in a member State.

14. Consequently, the Committee on Rules of Procedure considered that all procedures for which the Monitoring Committee is responsible required a decision of confirmation, referral or ratification by the Bureau or the Assembly, at one stage or another. The relevant provisions of the terms of reference of the Monitoring Committee established by [Resolution 1115 \(1997\)](#) should be harmonised: thus, any decision by the Monitoring Committee to open a periodic review procedure in respect of certain member States (paragraph 8) should require the approval of the Bureau in accordance with [Rule 26](#) of the Rules of Procedure and ratification by the Assembly.

15. The same applies to the procedure of "issue-based, cross-country monitoring", since [paragraph 9](#) of the committee's terms of reference does not mention that the Monitoring Committee must be formally seized prior to the preparation of any report. However, it should be noted that, since its creation in 1997, the Monitoring Committee has never conducted any thematic monitoring. The relevance of this provision may therefore be questioned in light of the terms of reference of the other Assembly committees which are competent in the fields likely to be covered by this procedure and which have indeed actively followed up these areas in their reports.<sup>5</sup> Paragraph 9 could therefore be amended to stipulate that the Bureau of the Assembly may instruct the Monitoring Committee to prepare a report on a cross-country thematic issue, in accordance with [Rule 26](#) of the Rules of Procedure.

16. Finally, it appears that certain paragraphs of the texts applicable to the Monitoring Committee are repetitive and that the wording of the committee's terms of reference and procedure should be clarified, by deleting paragraphs 10 and 13.1 of [Resolution 1115 \(1997\)](#) (modified): the provisions of paragraph 10 appear in paragraph 5 of the [terms of reference](#) of the committee, and those of paragraph 13.1 were incorporated in the new paragraph 9 adopted in January 2020.

### **3. Various changes required by parliamentary practice**

#### ***3.1. Overlapping procedures for challenging the credentials of the same national delegation on different grounds***

17. At the June 2019 part-session, during the opening sitting, the still unratified credentials of the national delegation of the Russian Federation were challenged both on procedural grounds, in accordance with [Rule 7.1.a](#) of the Rules of Procedure, and referred to the Committee on Rules of Procedure for report, and on substantive grounds, in accordance with [Rule 8.2](#), and referred to the Monitoring Committee for report. While, on the basis of the report presented by the Monitoring Committee, the Assembly concluded that the credentials of the Russian delegation should be ratified, the Committee on Rules of Procedure had not been able to adopt a report. This item had therefore been removed from the Assembly's agenda, so that the credentials of the Russian delegation remained challenged on procedural grounds (however, the Russian members had seated provisionally in the Assembly with the same rights as the other Assembly members, in accordance with [Rule 10.3](#) of the Rules of Procedure). In theory, the Committee on Rules of Procedure, still seized of the matter, could have presented a new report at a later stage, which it did not do. The procedure for challenging the credentials of the Russian delegation on procedural grounds had therefore remained pending until the opening of the 2020 session (and the presentation of the new credentials of the Russian delegation).

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5. For example, media freedom in the member States is the subject of regular reports by the Committee on Culture, Science, Education and Media; abuses of the judicial system in member States are monitored by the Committee on Legal Affairs and Human Rights.

18. On 28 June 2019, the Bureau of the Assembly therefore asked the committee to consider the problem of simultaneous challenges to the credentials of a national delegation on both procedural and substantive grounds. Should the Rules limit the number of challenges which may be raised against the same delegation, so that a single challenge may be made at the same time on the basis of either [Rule 7](#), or [Rule 8](#) or [9](#)?

19. The rapporteur considers that, faced with a unique case in the history of the Assembly, which found a pragmatic solution, it would be premature to envisage a change to the Rules of Procedure. The two procedures cannot be mutually exclusive as they are clearly based on entirely different grounds: fair representation of political parties and gender representation, on the one hand; serious violation of the basic principles of the Council of Europe or persistent failure to honour obligations and commitments and lack of co-operation in the Assembly's monitoring procedure, on the other hand. Who could predict that a delegation which, for example, did not include any women representative or representatives of the political opposition, while lacking co-operation in the Assembly's monitoring procedure, would not fully justify a double challenge to its credentials? Moreover, if the Rules were to prohibit a delegation from being challenged more than once, then members could strategically present a simple challenge on procedural – perhaps even unjustified – grounds to block a much more serious challenge alleging, for example, gross violations of human rights. Finally, in concrete terms, in the event of a double challenge to the credentials of the same delegation, who would be responsible for deciding to reject one of the two challenges and on what basis?

### **3.2. Procedure for examining amendments in committee and in plenary sitting**

20. At the June 2019 part-session, the Assembly had had to reorganise its work due to a considerable number of amendments which had had to be examined both at committee and plenary level.<sup>6</sup> Although, once again, this was a unique event in the Assembly's annals, it is reasonable to believe that the massive tabling of amendments for filibustering purposes is a strategy that is likely to be repeated in the future. Moreover, in general, and outside any exceptional debate on a controversial report, it is not unusual for members of the Assembly to express concern about the fact that speakers are deprived of the floor during a debate because of the large number of amendments tabled, forcing the list of speakers to be “cut off”.

21. The Committee on Rules of Procedure could therefore consider changing the procedure for the examination of amendments, along the lines, for example, of the procedure established in the European Parliament for filtering amendments tabled by committees.<sup>7</sup> At present, the committee responsible for a report presented to the Assembly takes a position on all the amendments tabled and the Assembly takes a final decision on them, with the exception of those which have been unanimously approved by the committee and are considered as finally adopted. It might therefore be advisable to strengthen the committees' decision-making powers when examining amendments tabled to their texts.

22. [Rule 34](#) of the Assembly's Rules of Procedure could therefore provide that amendments rejected by the committee seized for report by a two-thirds majority shall not be taken up in plenary: “*Any amendment which has been rejected by the committee seized for report by a two-thirds majority of the votes cast shall not be put to the vote in plenary and shall be declared as definitively rejected, unless ten or more members of the Assembly object*”.

23. On the other hand, it does not seem appropriate to change the deadlines for tabling amendments laid down in [Rule 34.6](#) of the Rules of Procedure, given the difficulty of organising the timetable of committee meetings during part-sessions and the constraints on the organisation of plenary sittings.

24. The committee could also reflect on the idea of including in the Rules of Procedure the possibility of putting several amendments to the vote collectively (“*en bloc*”), provided that they are identical or have similar content and are repetitive or complementary, even if they relate to different parts of the text or have been tabled by different authors. Such a proposal is intended to ensure that the adopted text is fully consistent. There are indeed examples where, very occasionally it is true, such a procedure could have been useful in order to avoid that, in the same resolution, amendments relating to exactly the same subject matter or wording are adopted, in one case, and then rejected a little later. However, it is understandable that such an approach

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6. 220 amendments had been tabled to the draft resolution on “Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting” ([Doc. 14900](#)).

7. Rule 184 of the Rules of Procedure of the European Parliament provides that “When more than 50 amendments or requests for a split or separate vote have been tabled concerning a text tabled by a committee for consideration in Parliament, the President may, after consulting its Chair, ask that committee to meet to vote on each of those amendments or requests. Any amendment or request for a split or separate vote that does not receive votes in favour at this stage from at least one-third of the members of the committee shall not be put to the vote in Parliament.”

may be disruptive to members of the Assembly accustomed to following the debate on amendments in a well-established order and who may find it difficult to keep track of the various amendments they are voting for. The rapporteur has therefore concluded with not including this as a proposal in the draft resolution.

### **3.3. Election of the President and Vice-Presidents of the Assembly**

25. In light of the ballots held during the October 2019 and January 2020 part-sessions, the procedure laid down in [Rule 16](#) for the election of the Vice-Presidents – but also in [Rule 15](#) for the President of the Assembly – appeared archaic and unnecessarily cumbersome, particularly in view of the Assembly's practice for the election of judges to the European Court of Human Rights and of highest officials of the Council of Europe which is less cumbersome. In the case of the President and Vice-Presidents, the existing rules require an absolute majority of the representatives of the Assembly, also in the event of a second round (namely 162 votes if all the seats in the Assembly are filled), while for the election of judges to the European Court of Human Rights and of highest officials of the Council of Europe, only an absolute majority of the votes cast is required in the first ballot and a relative majority in the second round.

26. When there are more than one candidate for the election of President of the Assembly, the Assembly shall be obliged to proceed to an election by secret ballot. When there is only one candidate, the President of the Assembly shall be declared elected without conducting a ballot. [Rule 15.2.](#) of the Rules of Procedure stipulates that *“Two tellers chosen by lot shall count the votes cast, assisted by the Secretariat. If, after two ballots, no candidate has obtained an absolute majority of the representatives of the Assembly, the candidate who on the third ballot receives the greatest number of votes shall be declared elected. In the event of a tie, the older candidate shall be declared elected.”*

27. In the case of Vice-Presidents, the Assembly may proceed to an election by secret ballot for one or more candidates if at least twenty members so request ([Rule 16.4](#)). [Rule 16.5](#) provides that *“Two tellers chosen by lot shall count the votes cast, assisted by the Secretariat. Those candidates who on the first ballot obtain an absolute majority of the representatives of the Assembly shall be declared elected. If the number of those elected is less than the number of vacancies to be filled, a second ballot for the candidates not elected shall be held. Those candidates who then receive an absolute majority of the votes cast, with more than half the number of representatives having voted, shall be declared elected. Where a candidate is not elected after the second ballot, that seat shall remain vacant until a candidate presented by the national delegation in accordance with paragraph 3 above obtains the requisite majority.”*

28. Different from the election of the President and Vice Presidents, the election of the judges to the European Court of Human Rights and of highest officials of the Council of Europe – Secretary General, Deputy Secretary General, Secretary General of the Assembly and Commissioner for Human Rights – only requires a relative majority whenever there is a second ballot (see [Rule 41.b](#) of the Rules of Procedure), and hence is more elementary. This may seem paradoxical. It is therefore proposed to simplify the procedures for the election of the President and Vice-Presidents of the Assembly so that they follow the common procedure provided for in [Rule 41.b](#).

### **3.4. Election of bureaux of committees**

29. [Rule 46](#) of the Rules of Procedure on the bureaux of committees has been amended several times in recent years,<sup>8</sup> first by tightening the conditions for standing for election as committee chairperson or vice-chairperson and then by relaxing those conditions. In particular, [Rule 46.7](#) provides for a period during which a former chairperson may not stand for re-election to the same office. However, while former committee chairpersons are permitted to stand for election as chairperson or vice-chairperson subject to a four-year waiting period for the same committee or after the expiry of a two-year period to stand for election to another committee, these conditions do not apply to outgoing vice-chairpersons. In practice, a vice-chairperson of a committee who has served two one-year terms of office is never again eligible for such office in the same committee (he or she may, of course, be a candidate for chairperson of a committee or vice-chairperson of another committee).

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8. In 2013, by [Resolution 1937 \(2013\)](#) “Length of term of office and re-eligibility of committee chairpersons” ([Doc. 13219](#)), in 2014, by [Resolution 2002 \(2014\)](#) “Evaluation of the implementation of the reform of the Parliamentary Assembly” ([Doc. 13528](#)) and in 2016, by [Resolution 2102 \(2016\)](#) “Modifications to the Assembly's Rules of Procedure”.

30. This measure was introduced in 2014 in order to foster better rotation of posts of responsibility among Assembly members. At present, it lacks legibility and its application generates misunderstandings every year. The Committee on Rules of Procedure could therefore consider amending [Rule 46.7](#) of the Rules of Procedure in order to give outgoing committee vice-chairpersons the same waiting periods as outgoing committee chairpersons.

### **3.5. Current affairs debate**

31. [Rules 53.1 and 53.6](#) stipulate that the Assembly or the Standing Committee may hold only one current affairs debate in the course of an Assembly part-session or a Standing Committee meeting. Mr Ian Liddell-Grainger (United-Kingdom, EC/DA), also expressing the position of some of his colleagues in the Assembly, proposed that this limit should be lifted and that the Rules of Procedure should be amended to allow the Assembly or the Standing Committee to hold more than one current affairs debate.

32. In view of the Assembly's evolving practice of being more responsive to national and international political developments and wishing to make its position known rapidly, it would be useful to allow the Assembly and the Standing Committee to hold more than one current affairs debate, while limiting the time available for such debates so as not to overrun the agenda for the consideration of reports presented by committees. The limitation could therefore be extended to a maximum of two debates.

### **3.6. Free debate in the Standing Committee**

33. Similarly, only the Assembly may hold a free debate ([Rule 39](#)). The question has also been raised by Mr Liddell-Grainger as to whether members of the Standing Committee should be allowed to speak on the subject of their choice in a free debate. This issue has so far never been raised and discussed in the Committee on Rules of Procedure, and it is therefore difficult at this stage to decide on that proposal without any more precise arguments on the expected benefit of such measure. If the Committee on Rules of Procedure were to retain this proposal, then it would be appropriate to limit the duration of the exercise in the Standing Committee, again in view of the tight agenda of its meetings (for example 30 minutes, not one hour as foreseen during Assembly part-sessions).

## **4. Conclusion and proposals**

34. The Parliamentary Assembly should consider some proposals for amendments to the Rules of Procedure and, as recommended by the rapporteur, decide:

- in order to implement [Resolution 2261 \(2019\)](#) and [Resolution 2325 \(2020\)](#) on the progress of the Assembly's monitoring procedure, to modify some paragraphs of the [terms of reference](#) of the Monitoring Committee and [Resolution 1115 \(1997\)](#) (modified);
- to modify [Rule 34](#) of the Rules of Procedure on the procedure for examining amendments in committee and in plenary sitting, in order to strengthen the competence of committees when taking a position on amendments tabled;
- to amend [Rules 15, 16](#) and [41.b](#) in order to simplify the procedures for the election of the President and Vice-Presidents of the Assembly so that they now follow the Assembly's ordinary election procedure;
- to amend [Rule 46.7](#) in order to unify and clarify the conditions relating to candidatures for the office of chairperson or vice-chairperson of committees with regard to members who have already held such offices;
- to amend [Rule 53](#) on current affairs debate to allow two debates to be held during a part-session or Standing Committee meeting.

35. However, the rapporteur does not wish to include in the draft resolution at this stage the proposal of having a free debate in the Standing Committee meetings (paragraph 33) or introducing the possibility for the Assembly to vote amendments "en bloc" under certain conditions (paragraph 24).

36. Finally, with regard to the implementation of the regulatory changes to be made, the draft resolution proposes that the amendments to the Rules of Procedure should enter into force upon their adoption.