



Resolution 2349 (2020)¹

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

Parliamentary Assembly

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 must 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 greater Europe. As one of the two statutory organs of the Council of Europe with 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, thus being 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 must 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 current 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 the 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

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 20 November 2020 (see [Doc. 15178](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Frank Schwabe).*



specifically provided otherwise. The organisation and holding of hybrid or remote plenary sittings and meetings shall comply with a number of general principles: the 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 (ETS No. 1) 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 XIV) 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, namely 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 to 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, or 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 shall be 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 to its report that have been tabled, the floor shall 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 as well as the display of results in the Chamber and the automatic publication of members' individual votes on the Assembly's website, if these are 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 the Assembly authorised to vote, belonging to at least five national delegations) to indicate their support by using the available voting system;
- members, whether they are seated in the Chamber in person or connected 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, whether they are only connected remotely, or some are connected remotely and others are sitting in person, shall be drawn up in strict compliance with the criteria of political, geographical, national and gender balance; the President of the Assembly shall assess the application of these criteria when drawing up the list of speakers for each debate;
- the speaking time during the sittings is modified as follows: rapporteurs shall have ten minutes to present their report and three minutes to reply; members shall have one minute for questions to guest speakers, the presentation of an amendment or a procedural motion, or a point of order (speaking time for speakers, rapporteurs for opinion and committee chairpersons remains unchanged at three 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 at the closure of the debate.”

8.2. Hybrid or remote committee meetings

“In exceptional circumstances which do not allow committee meetings to be held under normal conditions, namely 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 committees shall fully apply to their meetings held in a hybrid manner or remotely, unless otherwise stipulated. The second, fourth and fifth sentences of [Rule 47.2](#) and [Rules 47.3](#) and [47.4](#) shall not apply. A committee may take decisions when one fourth of its members are present. 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, namely 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, namely 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 Assembly debates shall apply in accordance with the provisions set out in paragraph 8.1 above, when the Assembly meets in a hybrid manner or remotely.

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 with the election 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 and Commissioner for Human Rights – as well as 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, namely 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, fairness 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 shall set the date(s) and time(s) of the election;*
- *the voting register shall be 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 – not later than three working days before the opening of the part-session]); they shall provide the secretariat with their personal e-mail address and mobile phone number;*
- *a single voting register shall be 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 of voting is organised, the voting register shall be established on the same basis as described above and shall include representatives and duly authorised substitutes for the sitting concerned, as notified within the prescribed deadline;*
- *members shall 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 shall receive detailed instructions in advance and shall be notified by e-mail of the opening of the vote(s); connection to the voting platform shall follow a secure procedure (typing in a unique code received by e-mail or by SMS on a mobile phone, as well as a personal e-mail address); an e-mail shall inform members of the closure of the vote(s);*
- *in the event of multiple ballots, the voting operations shall take place simultaneously; members shall have access to each ballot separately, but they are free to decide not to vote on one or more ballots;*
- *once voting has closed, the results shall 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 shall publicly announce the results of the vote(s) as soon as possible; these shall be published on the Assembly's website, together with the list of members who actually took part in the vote(s);*
- *technical assistance shall 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 shall 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 shall use the same international transport company to send the material to all delegations;*
- *members shall 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 shall be strictly identical for all members and delegations and shall 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 – in which all the envelopes containing the ballot papers of the members of the delegation entitled to vote, as well as their sworn declarations are enclosed – 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 shall 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; the tellers shall 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 in which the ballot papers of several members of a delegation are enclosed, 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 shall publicly announce the results of the vote as soon as possible; the results shall 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.