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Revision of Rules of Procedure of the Assembly

Report

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Mr James HOY, United Kingdom, Socialist Group

1. Explanatory Memorandum - Principles underlying the revision of the Rules of Procedure

1. While it is true that the Statute of the Assembly has the binding force of a constitutional law which cannot be modified by the Assembly, the latter is none the less entirely free to determine in its own Rules of Procedure the conditions of its application. Moreover, Article 28 of the Statute clearly states that " the Consultative Assembly shall adopt its Rules of Procedure. "

In accordance with this principle the Assembly adopted at the beginning of its first Session a set of provisional Rules of Procedure prepared by the Preparatory Committee of the Council of Europe with the assistance of a Committee of parliamentary experts. The Assembly soon eliminated certain of its provisions, either as a result of a formal decision, or by allowing a usage to become established which was at variance with the letter of these Rules. Accordingly, at the second Session fresh Rules of Procedure were adopted, which, while maintaining the outward form of the originals, varied considerably therefrom in detail (see Second Session : [Doc. 2](#), Report of the Committee on Rules of Procedure).

The working methods of a young and novel type of Assembly evolve rapidly, however, and it must be admitted that, in certain cases, this evolution has not always been calculated to promote the orderly conduct of business. The problems of systematizing these methods have thus become particularly urgent, and is to some extent fraught with consequences for the future of the Assembly. It was to meet such problem that the Assembly decided upon this revision of the Rules of Procedure.

2. In certain respects the Assembly is a parliamentary body, but differs from national Assemblies in that no majority group determined to carry through a political programme in face of the opposition of one or more minorities has so far made its appearance. One result of this first characteristic is that the Rules of Procedure of the Assembly, in contradistinction to those of national Parliaments, are not essentially designed to maintain a certain equilibrium and promote political tolerance so that the rights of the minority will be safeguarded against the excessive power of the majority, and the majority be protected against systematic obstruction on the part of the minority. They are more in the nature of an instrument for maintaining order and discipline, whether applied to Representatives as individuals, or to organs of the Assembly, as for example its Committees.

3. Viewed from another angle, the Assembly remains though only relatively speaking, it must be admitted, a diplomatic organ, more especially as regards its Agenda. A Parliament which is almost always in session, often dealing with topical problems, can fix the essential items on its Agenda from month to month or from week to week. The Consultative Assembly of the Council of Europe, sitting for one month in the year—which period, moreover, is now divided into two or more parts—must give very careful consideration to deciding in advance the Agenda for each part of the session, just as a diplomatic conference would have to do. Such a requirement has not always been remembered; it cannot be evaded in the new Rules of Procedure.



4. In spite of these various characteristics peculiar to itself, the Consultative Assembly of the Council of Europe, nevertheless, remains an Assembly within which debates are governed by Rules of Procedure which have very many points in common with those of all other Assemblies. The Consultative Assembly has shown a fine eclectic spirit in endeavouring to adopt from this or that national Parliament points which seemed best suited to its work.

5. The Assembly's field of action is not confined to questions submitted to it by the Committee of Ministers for an opinion, but extends to questions raised within its own precincts in application of a right similar to the right to initiate legislation recognised in ordinary parliamentary Assemblies. The only distinction, therefore, which the Rules of Procedure need make in this respect is between texts which must statutorily be transmitted to the Committee of Ministers, namely Recommendations and opinions which must be adopted by a two-thirds majority, and other texts such as Resolutions and Orders of the Assembly, which may be adopted by the Assembly by a simple majority.

Examination of proposed modifications

6. In the light of these considerations, and in accordance with the terms of reference laid down for it by the Assembly, your Committee has endeavoured to bring the whole of the Rules of Procedure into line with present requirements, taking into account :

- a. decisions taken by the Assembly or by the Standing Committee but so far not inserted in the Rules,
- b. precedents which had definitely acquired the status of customary law,
- c. requests by Representatives which had received general approval.

The result has been that substantial changes were made in the provisions concerning Committees (see Para. 2 above), in the settlement of the Agenda (see Para. 3), and the ordering of debates (see Para. 4). The revision of the other articles was undertaken either to bring them into harmony with the recent amendments to the Statute of the Council, or to obtain a greater degree of precision which experience had shown to be necessary, or lastly to improve the detail of a procedure hitherto followed.

The method adopted by the Committee consisted in the examination of the present Rules of Procedure article by article.

7. Examination of credentials and duration of term of office.

The modification of certain details in Rules 1 to 5 is the result of custom or of recent amendments to the Statute.

The modifications in Rules 6 and 7, however, relative to the examination of credentials and the duration of term of office, raise serious questions of principle.

There are two ways of looking at these rules. In the first place, examination of credentials may be considered as referring solely to the instrument that bears witness to the powers conferred on one of its own nationals by a Member State as its Representative, thus reducing the examination to a simple verification of credentials in accordance with the practice in diplomatic conferences. In the second place, the examination may be considered as an enquiry into the regularity of the national procedures of nomination, and the conformity of such nomination with the statutory rules and fundamental principles set forth in the Preamble to the Statute.

Examination of Credentials may therefore be considered as a parliamentary procedure (enquiry into possible electoral abuses) or as an ordinary diplomatic practice (verification of plenipotentiary credentials).

Nevertheless, the legal nature of the powers conferred on the Representative to the Assembly excludes the possibility of an analogy with either parliamentary or diplomatic procedure. The office of Representative to the Assembly is the result of a double investiture ; first of all, national investiture, which finds its concrete expression in the granting of documents attesting the powers granted by Parliament or Government to have the Member Country in question represented in the Assembly; secondly there is the European investiture, namely the admission to the Assembly, which finds its concrete expression in the adoption by the Assembly of the Report presented by the Credentials Committee.

This double investiture is essential to ensure the validity and duration of the term of office of the Representative. Two difficulties then arise.

The first case to be considered is when a Representative ceases to be entitled to national investiture, in particular as the result of general or by-elections in a given country.

If such events take place during the interval between ordinary Sessions, or in the period of interruption of an ordinary Session, the Representative loses his national investiture; consequently, his European investiture does not suffice to enable him to sit on a Committee of the Assembly until the opening or the resumption of the session.

This conclusion not only follows from an application of legal reasoning but represents also a political and practical necessity, the importance of which is plain to see.

It is, indeed, essential that Representatives who are to sit on Committees should satisfy two conditions. They should reflect the atmosphere and views of their respective Parliaments and they should have the right to appear before the Assembly to defend such ideas as they may have advocated in Committee. This would avoid a situation in which work done in Committee and sponsored by a Representative who, having failed to obtain re-election, continued nevertheless to be a member of the Committee, would come to be presented to an Assembly in which the Representative in question has been replaced by another with different or even widely divergent views and principles.

The second case is where there has been a national investiture between two Sessions or part-Sessions and therefore not yet confirmed by a European investiture, since the new credentials cannot be verified before the opening or resumption of the Session. This Representative, although vested in office by his country, will be debarred from taking his seat, in the absence of a European investiture.

Your Committee advocates the following solution. Under paragraph 4 of Rule 6 a Representative whose credentials are challenged may take his seat provisionally with the same rights as other Representatives. Could not this Rule be extended to include a Representative whose credentials have not yet been verified? What difference is there between the position of a Representative who has come before the Credentials Committee without obtaining the definite approval of the latter, and that of a Representative who has been unable to come before the Committee and who has so far been unable to have the regularity of his internal investiture examined or obtain European investiture? It may reasonably be held that there are no legal objections to treating unexamined credentials as equivalent to challenged credentials.

As for the practical difficulties, there are two possible solutions. One is to request the Governments or Parliaments to indicate by name which Representatives replace which ex-Representatives, in the case of changes in the lists of their country. The other is to request all the Representatives of a given country to arrange between themselves the allocation of vacant seats on Committees, and to indicate by name the replacements made. In this way the newly-elected Members of Parliament, whose credentials had not yet been examined, could sit provisionally in Committee before the examination of credentials.

Whatever the solution adopted by national delegations, the draft Rules of Procedure simply point out in Rule 7, paragraph 2 that the Bureau must give its assent to provisional appointments which have been arranged in this way.

A third distinctive situation may arise in which the national investiture of a Representative may come to an end (as a result, for example, of electoral defeat), and in which a meeting of a Committee may fall due before new nominations have been made by the national Parliament concerned. The question then arises as to whether the former Representatives who have not been replaced may or may not sit in Committee. Reasons of a legal nature would naturally tend to indicate a negative reply to this question, in view of the fact that the absence of national investiture precludes the possibility of European investiture. Practical reasons, however, such as the need for a quorum, require that those Representatives who have not been replaced, but whose credentials have expired, should take their seats provisionally in Committees, since it is unlikely that national law will ever stand in the way.

Such are the arrangements which your Committee considers necessary and which are dealt with in the provisions of the new Rule 7.

8. Preparation of the Agenda for Sessions.

In Rules 8 to 13, inclusive, only slight changes have been made. It should, however, be pointed out that your Committee proposes that henceforth and in the case of the first two ballots the President and the Vice-Presidents should be elected by an absolute majority of votes cast; the question does not arise for the third ballot. Furthermore the President should occupy the Chair immediately on his election, and not as hitherto after the election of the Bureau has been completed.

Rules 14, 15 and 16 under Part IV regarding the Agenda of Sessions, have been to a great extent re-cast in order to take account, on the one hand, of amendments to the Statute which give the Assembly full powers over its own Agenda, and, on the other, of the need to determine clearly the present practice by defining the role of the Bureau and of the Standing Committee in this field. Your Committee endeavoured to clarify the procedure without making changes. The gist of the proposed text is as follows :

- a. Rule 14 prescribes the general plan for the preparation of the Agenda, the successive phases of which include, first of all, the setting down, six weeks before the opening or resumption of the Session, of a number of questions on the Agenda that have already been settled; the preparation of a supplementary list after the first three days of the Session during which new questions may be added; and finally, the preparation by the Bureau of a Draft Agenda on which all questions are classified according to priority. The Assembly is then called upon to take a decision on this draft. Your Committee considered that the Bureau might group, co-ordinate or improve the form of these various questions, but, in its view, it was not possible to grant the Bureau powers of selection with regard to questions which the Assembly had already placed on its Agenda. The Bureau should be given power to decide on priorities in regard to the relative political importance of the various items on the Agenda and the advisability of their being discussed; since items at the end of the Agenda may have little chance of being debated.
- b. Rule 15 deals specifically with requests to the Assembly by Representatives for the inclusion of questions on the Agenda. In this case, it has been possible to effect a considerable simplification as a result of the abolition of the system of requiring previous approval by the Committee of Ministers, which made it necessary for such requests to be examined by the Assembly before their transmission to the Committee of Ministers and adopted finally by the Assembly on the recommendation of the Committee. Requests may only be submitted to the Assembly either at the beginning of a Session (or part Session) for inclusion in the Agenda of the same Session (or part Session), or at the end of a Session (or part Session) for inclusion in the Agenda of the following Session (or part Session) ; if they are presented when the Assembly is not in Session they must be submitted to the Standing Committee. Your Committee, moreover, defined the terms with which requests for inclusion on the Agenda must comply; they should not include lengthy explanations regarding the substance of the question; only Motions for Resolutions and Recommendations, as described in Rule 28, may be considered as relevant documentary matter. (See para. 10 (a) below.)
- c. Rule 16 repeats the principle contained in the present Rules, according to which, once the Agenda has been adopted, it may only be modified in exceptional cases in order to avoid the confusion in the Assembly's programme which such modifications cause. For this reason requests for modifications of or additions to the Agenda of the Session are examined by the Bureau, which is required to decide on their admissibility by a two-thirds majority, only submitting to the Assembly those which it approves. In this there is no departure from the present Rules.

9. Time-table and Orders of the Day of Sittings of the Assembly.

Rules 17 to 23 inclusive call for no particular comment. Only slight changes have been made in wording either by the addition of further particulars which time has shown to be necessary or simply because of the confirmation by the Committee of previous decisions of an administrative nature, for example, as regards the preparation of the Official Report of debates.

Your Committee considers that it would be no infringement of the principle laid down in Rule 17, if technical provisions were made for the use of other languages enabling the Representatives to take part in a more efficient way in the work of the Consultative Assembly.

The new Rule 24 dealing with the Time-table and the Orders of the Day for Sittings repeats the substance of Rule 16 and 23 of the present Rules. Furthermore, it lays down that Sittings should at the latest be normally opened at 10 a.m. and 3 p.m. and closed at 1 p.m. and 6.30 p.m. respectively. In this, your Committee retained the system in use in Great Britain, adapting it to the particular needs of the Assembly (cf. Standing Orders of the House of Commons No. 1, Sittings of the House, and No. 2, Friday Sittings). It is also laid down in paragraph 1 that Sittings shall begin not later than five minutes after the appointed time. Your Committee would point out that, if the President is unavoidably detained and unable to be present by such a time, his place may be taken, under the provisions of Rule 11 (paragraph 1), by one of the Vice-Presidents. Finally, para. 3 of Rule 24 lays down that the Orders of the Day of Sittings should be settled in accordance with the order of priority shown on the Agenda of the Session; this would give a real meaning to that priority.

10. Order of Debates.

Rules 25 and 26 have not been changed except for their numbering.

As regards Rules 27 to 30, however, important additions have been inserted to clarify instructions for the Order of Debates. The practice followed so far has shown that the best method, and one that is accepted as readily by the supporters of Anglo-Saxon procedure as by that of Continental or Scandinavian procedures, is as follows :

- a. A general discussion takes place on the question as a whole, which has been previously placed on the Agenda. Before the general discussion is opened, or during the debate, Motions for Resolutions or Recommendations are tabled which, coming as they do from various sides of the Assembly, represent the positions taken regarding the substance of the questions under discussion. Contrary to the practice of the British Parliament, where Motions must generally be seconded, these proposals may be signed by one Representative only. Your Committee considers that the President should have the power of decision whether a Motion is in order, that is, whether it is sufficiently closely related to the Item on the Agenda to which it refers.
- b. The documents handed in at the conclusion of the General Debate are referred to the relevant Committee. These documents are Motions handed in by Representatives, or in some cases requests for an opinion by the Committee of Ministers.
- c. A Report prepared by the Committee on the various documents referred to it (cf. para. 14 and 15 below) is then debated by the Assembly. This debate or examination of the text is mainly concerned with the draft Resolution or Recommendation submitted by the Committee, together with amendments submitted by Representatives. Furthermore it has been laid down that the debate on the Report shall take place not less than a clear day after it has been circulated, so as to give Representatives time to study it. The present Rules prescribe a period of 48 hours for such considerations, but experience has shown this to be difficult in practice. On the one hand, this mode of debate prohibits the immediate adoption of Motions on fundamental questions, as these must always be examined in Committee and form the subject of a Report by the latter to the Assembly. On the other hand, it obliges the Committee's Report to be submitted in such a way that the Assembly may make its decision on a carefully framed text—" the enacting terms " (cf. para. 15 below).

The examination of texts, and in particular the method of debating amendments, has been in the new Rule 29 the subject of detailed provisions, the necessity of which became apparent owing to the differing procedures of the various national Parliaments and the resulting confusion produced in certain debates of the Assembly. First, there has been inserted in the Rules the principle, previously adopted by the Assembly, that amendments should refer exclusively to the enacting terms of the Report, and that they should be put to the vote before the enacting terms are voted on. Secondly, the new Rules lay down that, where several amendments apply to the same passage in Reports and are mutually exclusive, they shall be put to the vote in turn, beginning with the amendment which differs most radically from the basic text; the adoption of an amendment thus involves the ipso facto rejection of all subsequent such amendments. This method of debating amendments, which enables Representatives to fall back successively to less and less advanced positions, differs from the method employed in this contingency in the British Parliament, where mutually exclusive amendments to the same passage in the text are considered in the order in which they have been handed in ; with the important reservation, however, that the Speaker has the right to exclude those amendments which he does not propose to have debated, so that ultimately this right of selection constitutes a practical safeguard against the arbitrary nature of an order based on purely chronological priority.

Your Committee did not deem it necessary to include, in Rule 29 the provisions whereby an amendment whose adoption is subject to the adoption or rejection of a subsequent provision of the Report, should be postponed until the Assembly has voted on this provision. In its opinion this rule was merely a corollary of the principles laid down in Rule 29. The Committee also decided that, when a number of amendments were submitted before the opening of a debate at which a difficult discussion was to be anticipated, a marshalled list of amendments should be published in the Assembly Notice, so as to give every Representative a general idea, in advance, of the order in which amendments were to be taken.

Finally, the last paragraph of Rule 29 deals with the reference to a Committee of the whole or part of a Report, and, more especially, with such reference of an amendment. Reference to Committee does not necessarily interrupt the examination of the texts, but defers the vote on the whole text until the Assembly has reached a decision on those amendments or parts of amendments which have been referred to the Committee; consequently provision is made for the Assembly, if need be, to fix a time-limit for the Committee's work, so as to ensure that the adoption of the whole Report shall not be indefinitely delayed.

The notion of enabling the Assembly to decide that an amendment or a paragraph should be disjoined was not retained by your Committee. The idea underlying such a decision would be that a proposed provision falls outside the scope of a particular debate and should therefore be debated separately. To decide on such a

separation, therefore, would be tantamount to anticipating a subsequent debate on the question, without its having been included in the Agenda. For this reason, your Committee preferred to recommend in this case the use of the power of the President, if so requested, to rule a provision out of order by virtue of para. 2 of Rule 29, rather than that of disjunction or formal rejection.

A special explanation is necessary regarding what have been called " Orders of the Assembly ". Orders differ from Resolutions in that they do not imply the reaching of a decision on the substance of a question but are concerned merely with the organisation of the work of the Assembly and are a matter of strictly internal interest only. Generally speaking, Orders by the Assembly are addressed to Committees, or to the Bureau, or even to the Secretariat- General, or again they may prescribe the conditions for reference to a Committee. The underlying idea of these " Orders " , which have proved particularly useful in cutting down the excessive number of Resolutions, by confining them to their proper field, is merely an adaptation of the British " Order of the House". Motions for Orders do not need to be referred to a Committee, as do texts concerning fundamental questions, such as Motions for Resolutions or Recommendations ; it might even be said that to refer an order to a Committee would in most cases have no purpose or meaning. For example, a proposal to instruct a Committee to pay particular attention to such and such aspect of a question can, and should, be debated and adopted immediately by the Assembly. This would be an Order, and to refer it first to the Committee concerned would really be to complicate matters unduly.

11. Conduct of Debates.

The new Rule 31, relating to the right to speak, groups together certain provisions at present scattered about in various Rules, but without making any substantial modifications therein. Rule 32 was carefully examined by your Committee which endeavoured, by means of a comparative study of different parliamentary procedures, to adopt for our own Assembly a terminology understandable to all. It was found necessary to attempt an exact definition of the equivalents of certain procedural terms in both French and English, of which the principal ones are as follows :

- a. In the British Parliament, all questions of procedure may be brought to the attention of the Chair by the raising of a " point of order " ; the identical function is performed in the French Assembly by a " Motion d'Ordre " . In spite however of the fact that these terms are a common part of current parliamentary vocabulary, they are much too vague to have a definite technical meaning, and should not, therefore, in the opinion of your Committee, appear in the Rules of Procedure ¹.
- b. The term " rappel au règlement " which appears in the French text has been somewhat expanded in the English text, since it contains two concepts which are kept separate in English procedural terminology : a breach of order, that is, a direct infringement of one of the rules of the Assembly, and an abuse of the rules, implying conduct which, while adhering to the letter of the rules, has the effect of obstructing the course of business (cf. Standing Order No. 25 of the House of Commons and Erskine May, Chap. XVIII , section 4, under " obstruction of business ").
- c. The idea contained in " question préalable " has as its English equivalent " previous question A " question préalable " or " previous question " may, of course, be put on the adoption, as well as on the rejection of a text. (See Erskine May, Chap. XVII, para. (B) Questions).
- d. Finally " Motion préjudicielle " should be translated by " dilatory motion " , it being understood that such a motion may be moved at any time during the debate, with reference either to a provision in the Report, or to an amendment (cf. Standing Order No. 25 of the House of Commons and Article 26 of the Rules of Procedure of the French National Assembly). It must therefore be made clear that the " question préalable " (previous question) stops any further discussion, and closes the debate, whereas the " motion préjudicielle " (dilatory motion) suspends the debate upon a given point, so that some element not yet put before the Assembly may be taken into account—for example, the opinion of a Committee—a knowledge of which is considered indispensable before putting a Motion to a vote.

Procedure in respect of the following motions (incidental nature, limited length of speeches, limitation of number of speakers, anonymous voting by sitting and standing)—has not been changed.

Rule 33 suggests the possibility of organising certain debates but leaves the initiative to the Bureau.

12. Voting.

1. The expression " Point of Order " does not in fact appear in the Standing Orders of the House of Commons and is only by inference explained in Erskine May; similarly the expression " Motion d'Ordre " is not mentioned in the Rules of Procedure of French-speaking Assemblies.

Rules 34 to 37 regarding voting in the Assembly have been considerably changed as to form without, however, any substantial modification. Nevertheless, your Committee considered that conditions for the adoption of particularly important decisions should be made more strict; it proposes that, when the two-thirds majority is required by the Statute, this majority should include at least one-third of the total number of members of the Assembly. A situation will thus be avoided in which a recommendation to the Committee of Ministers, with the possibility of serious political implications, might be adopted as the result of abstentions, though it might have received only an infinitesimal number of votes (for example, twenty for, ten against, with ninety abstentions). In other words, recommendations cannot be adopted if more than two-thirds of the Representatives of the Assembly abstain from voting. Your Committee considered that if this number was not reached they would be right in assuming that the proposed text did not necessarily reflect the opinion of the Assembly. This minimum of one-third is not required for other motions which, being less important, require only a bare majority of votes cast. The Committee attaches no particular significance to the different methods of voting; apart from draft Recommendations or Resolutions, for which an open ballot is obligatory (vote by roll-call), a vote is generally taken by a show of hands—which is an anonymous, uncounted vote—or, if this is not conclusive, a vote by sitting and standing. If, however, at least ten Representatives consider that a vote by rollcall should be taken on any particular point, this must be granted, unless the Rules of Procedure have already laid down that voting is to be by sitting and standing (Rules 12, 32 and 33) or by secret ballot (Rule 8; Rule 34, para. 6; Rule 40, para. 4).

13. Standing Committee.

Rule 39 relating to the Standing Committee appears under a separate heading and not under Part I X dealing with Committees. In this we have an acknowledgement of the fact that the Standing Committee is not a true Committee, but a permanent delegation of the Assembly. Its aim, methods of appointment, work and mode of procedure are fundamentally different from those of the other Committees of the Assembly. Para. 5 of Rule 39 (a) has, moreover, been recast for adaptation and greater clarity.

14. Committees.

In deference to the suggestion of the Committee of Ministers, your Committee has decided to propose the creation of a new General Committee to undertake the tasks at present assigned to the special committee on Refugees and the Sub-Committee on Migrant Workers of the Committee on social questions. This new General Committee, to be described as the " Committee on Population and Refugees is included in the list set forth in Rule 40, paragraph 1.

Extensive additions have been made to Part I X in the form of very full directions; this Part may henceforth be considered the Committees' Charter. Rule 41, referring to the competence of Committees, is entirely new, its aim being to render more explicit the provisions of the present Rules of Procedure, which are too summary. The present form runs as follows " a Committee shall deal with questions referred to it by the Assembly after the General Debate " . Because of the confusion resulting from the fact that certain Committees proceeded " proprio motu " to widen their terms of reference, or even considered that their terms of reference were unrestricted, it is necessary to lay down in the Rules that Committees may only report on questions duly submitted to them. Your Committee further considered that a Committee, as such, could not make a request for inclusion on the Agenda, nor prepare a Report on a question, without having been instructed to do so. They further considered that if a Committee was led in the course of its discussions to raise new problems which it desired to be brought to the notice of the Assembly, the Chairman and members must obtain at least 10 signatures, and submit a request for inclusion in the Agenda, in accordance with the new Rule 15 of the Rules of Procedure.

The purpose of Rule 41, paragraph 2 is to regulate difficulties which might arise regarding the competence of Committees and confirms existing practice.

Rule 42 combines the various provisions dealing with the method of work of the Committees. Various clarifications and modifications have been introduced. First of all, your Committee was of the opinion that, though it might be useful for two Committees or Subcommittees to meet, at the instance of one or the other, to examine certain questions in common, they should not be permitted to extend their joint competence beyond a mere exchange of views or to vote together. Furthermore, para. 4 of the same Rule lays down that in general the Rules applicable to the Assembly in respect of Minutes, discussion of amendments, right to speak, procedural motions and quorum should be extended to Committees and Sub-Committees : this application is, however, subject to certain qualifications, especially in the matter of methods of voting, since it appeared to your Committee that a less rigid and formal procedure was desirable in Committees than in the Assembly. Your Committee also considered that the work of Committees would be unduly impeded if it were insisted, as in the Assembly, that no valid decision of any kind could be taken unless an absolute majority of

the members were present. It is therefore laid down that the presence of a third of its members is sufficient to allow the Committee to deliberate (a term which includes voting on such matters as amendments, appointments, internal procedure), but that an absolute majority must be present in order to validate a vote on a Report as a whole. Finally, the system of Substitutes in Committee which is at present dealt with in Rule 37 has been inserted in Rule 42—which is a more suitable place.

15. Reports by Committees.

A special Rule was devoted to the Reports of Committees. Your Committee was guided in this matter by formal decisions taken by the Assembly on various individual cases and by the desire to achieve greater clarity, in the presentation of Reports. Every Report by a Committee should, by reason of the methods of deliberation of the Assembly, consist of a text drawn up in such a way as to permit its adoption by the Assembly after any possible amendments have been made by the latter. This text, called the " Enacting Terms and presented in the form of a Recommendation, Opinion or Resolution, should embody the substance of the Report itself, seeing that it is the only part of the Report which is examined by the Assembly line by line and subsequently adopted and transmitted to the Committee of Ministers. These " Enacting Terms " are generally preceded by an explanatory commentary known as an Explanatory Memorandum, the aim of which is to acquaint the Assembly with the reasons in favour of the draft Recommendation or Resolution. The explanatory memorandum should take account of discussion arising in Committee and should make known for the information of the Assembly, any minority opinion, whereas the preparation of the explanatory memorandum may be entrusted to the Rapporteur, the Enacting Terms must of necessity be agreed to by the Committee.

Your Committee would like to draw the attention of Rapporteurs to the fact that it is the Enacting Terms and not the explanatory memorandum which should, so to speak, go to the heart of the question. To attribute a positive rather than an explanatory value to an explanatory memorandum, and then to request the Assembly simply to acknowledge the explanatory memorandum by the adoption of succinct and formal Enacting Terms, would be to put the cart before the horse and do something quite unnecessary, since the explanatory memorandum is destined to disappear, leaving behind it only the adopted Recommendation or Resolution. One can hardly imagine a judge pronouncing sentence in a series of " whereases or a legislator framing legal rules elsewhere than within the clauses of the laws themselves.

It follows from the rules which strictly limit the contents of a Report to an explanatory memorandum and a statement of Enacting Terms that all theoretical studies, statistical or other data, memoranda of all kinds, or texts submitted by national or international administrations, should be excluded from the Report proper. It is preferable that these appendices, which may be very important in themselves, but which are in no sense the work of the Committee, should be published separately and referred to in the Report, an analysis of them being included, if necessary, in the Explanatory Memorandum. It is undesirable that they should in any way be allowed to overshadow the main body of the Report, which is the work of the Rapporteur and the Committee.

16. Urgent Procedure.

Urgent procedure, which can be invoked only during the session, and not less than three days after it has opened, will inevitably be aimed at modifying the Agenda already settled. Contrary, however, to the procedure for modification of the Agenda prescribed by the new Rule 16 of the Rules of Procedure, the result will be to open a debate immediately or in the very near future.

17. Relations with the Committee of Ministers.

Minor changes have been made in Rules contained in Part X I ; on the one hand, provisions regarding the Joint Committee, and relating to the procedure of the Assembly, have been inserted in the new Rule 46; on the other hand, the rules regarding requests for an Opinion from the Committee of Ministers, which were hitherto too rigid, have been modified and clarified in the new Rule 48.

In this respect it is necessary to define the part played by requests for an Opinion or for further consideration, with reference to the procedure for requests for inclusion in the Agenda of the Session. Two types of cases may arise. If the Committee of Ministers requests the opinion of the Assembly on a question which the latter has not previously examined, the Assembly simply includes it in its Agenda for the Session; this case offers no difficulties. But it often happens that the Assembly, having raised a question itself, and adopted on the subject a Recommendation to the Committee of Ministers, has thereby fully dealt with the question, and has consequently removed it from its Agenda. If it should then happen that the Committee of Ministers request the Assembly to reconsider the question, it submits to it a request for reconsideration of the matter, which entails the re-inclusion of the item in the Agenda.

If, on the other hand, the Recommendation contains suggestions—as, for example, the specific case of a draft convention, the item may be shuttled back and forth between the Committee and the Assembly. In this case the Committee of Ministers makes use of the Request for an Opinion, in order to have a question included in the Agenda of the Assembly (see the method adopted for the European Convention on Human Rights). In both cases the inclusion is to be considered to have been made in due form.

18. Miscellaneous Provisions.

The last Rules, from those relating to " Written Questions " to those concerning the " Revision of the Rules " , have been only slightly modified in form, with the exception of the Rule relating to the raising of parliamentary immunity, which is treated in a separate Report.

Conclusions

19. In preparing these revised Rules of Procedure your Committee has endeavoured to render them more complete, more compact, more logically arranged, and, consequently, less ambiguous in their application; it selected and retained what seemed, in its view, best adapted to its requirements from among the various procedures of the deliberative Assemblies. Finally, it endeavoured to avoid confining the Assembly in a procedural strait-jacket, so that possible future revisions of the Statute would not necessarily involve the entire recasting of the Rules of Procedure.

Consequently your Committee unanimously proposes the adoption of the following draft resolution :

2. Draft Resolution

The Rules of Procedure of the Assembly are modified as follows :

2.1. PART I - Sessions of the Assembly

Rule 1. — Date and convocation of Ordinary Sessions.

1. The Consultative Assembly shall hold once a year an Ordinary Session, which may be divided into several parts. The dates of the Session shall be fixed so as to avoid as far as possible overlapping with Parliamentary sessions of Members and with sessions of the General Assembly of the United Nations.

2. The date of the opening or resumption of a Session shall be fixed by the Standing Committee in such a way that Representatives and Substitutes may be notified personally not less than six weeks beforehand.

Rule 2. — Date and convocation of Extraordinary Sessions.

The Consultative Assembly may be convened in Extraordinary Session upon the initiative either of the Committee of Ministers or of the President of the Assembly, after agreement between them, such agreement also to determine the date of the Session.

Rule 3. — Place of Meeting.

3. Ordinary Sessions of the Consultative Assembly shall be held at the Seat of the Council unless both the Assembly and the Committee of Ministers concur that they should be held elsewhere.

4. Extraordinary Sessions shall be held at such place as shall be decided by agreement between the Committee of Ministers and the President of the Assembly.

Rule 4. — Duration of the Sessions.

5. The period during which the Assembly shall meet in Ordinary Session shall not exceed a total of 31 days unless both the Assembly and the Committee of Ministers concur.

6. Extraordinary Sessions shall be terminated when the Agenda is exhausted.

2.2. PART II - Examination of Credentials and Election of the Bureau

Rule 5. — Provisional President.

7. At the beginning of each Ordinary Session the oldest Representative present shall discharge the duties of President until the election of the President has been announced.

8. No discussion may take place while the oldest Representative is in the Chair unless it is concerned with the election of the President, or arises from the election or the report of the Credentials Committee.

Rule 6. — Examination of Credentials.

9. The credentials of the Representatives and Substitutes shall be sent in by the Members on a form which shall be forwarded to them by the Secretary-General of the Council and which should be returned to him, if possible, not less than a week before the opening of the Session.

10. A Committee of ten Representatives chosen by lot shall examine these credentials and shall at once report thereon to the Assembly.

11. The Committee shall investigate any protests and shall confirm the validity of the appointments and their conformity with the requirements of the Statute of the Council of Europe.

12. Any Representative or Substitute whose credentials are contested shall take his seat provisionally with the same rights as other Representatives or Substitutes until the Assembly has reached a decision in his case.

Rule 7. — Duration of term of office of Representatives and Substitutes.

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13. Representatives and Substitutes shall remain in office until the opening of the next Ordinary Session, except that, in the event of general elections to their respective Parliaments, Members shall be entitled to make changes among their Representatives in accordance with the provisions of Article 25 of the Statute.

14. During the periods between Sessions or parts of a Session new Representatives or Substitutes shall, with the agreement of the Bureau and until such time as their credentials have been verified, be provisionally entitled to fill seats which have fallen vacant in Committees.

Rule 8. — Bureau of the Assembly.

15. The Bureau of the Assembly shall be the President and six Vice-Presidents.

16. The Bureau shall be elected after the credentials of the Representatives and of the Substitutes have been verified in accordance with the provisions of Rule 6 above.

Rule 9. — Election of the Bureau.

17. No Representative may stand as a candidate for the offices of President or Vice-President unless the proposal for his candidature has been sponsored in writing by at least three Representatives.

18. The President and Vice-Presidents shall be elected by secret ballot. Two tellers chosen by lot shall count the votes cast.

19. The President shall be elected, first of all. 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 candidate senior in point of age shall be declared elected.

20. As soon as the President has been elected, the oldest Representative shall thereupon leave the Chair.

21. The six Vice-Presidents shall then be elected on the same ballot paper. Those 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, following the same procedure. If a third ballot is necessary, those candidates who then receive the greatest number of votes cast shall be declared elected to the vacancies still to be filled, and in the event of a tie, the candidates senior in age.

2. Rule disjoined and referred back to Committee together with Amendment No 3.

22. The Vice-Presidents shall take precedence in accordance with the order in which they have been elected, and, in the event of a tie, by age.

23. The President and Vice-Presidents shall remain in office until the opening of the next Ordinary Session. Should it be necessary for one of them to be replaced, his successor shall be elected in accordance with the above provisions.

2.3. PART III - Duties of the President, Discipline and Order

Rule 10. — President.

24. The duties of the President shall be :

- a. To open, suspend and close Sittings.
- b. To propose at the end of each Sitting the date, time and Orders of the Day of the next Sitting.
- c. To guide the Debates of the Assembly, ensure observance of the Rules, maintain order, call on speakers, close Debates, put questions to the vote and announce the results of votes.
- d. To refer business to the appropriate Committees.

25. The President shall neither speak in Debate nor vote; his Substitute may sit, speak and vote in his place.

26. The President shall inform the Committee of Ministers of conclusions adopted by the Assembly in the form of Recommendations.

Rule 11. — Vice-Presidents.

27. If the President is absent or unable to discharge his duties, he shall be replaced by one of the Vice-Presidents.

28. The Substitute of the Vice-President who is acting as President may sit in the Assembly, speak and vote in his place.

Rule 12. — Maintenance of Order.

29. The President shall call to order any Representative who departs from it.

30. If the offence is repeated, the President shall again call the Representative to order and cause the fact to be recorded in the Minutes of Proceedings.

31. In the event of a further offence, the President may exclude the offender from the Chamber for the remainder of the Sitting.

32. In serious cases the President may propose that the Assembly pass a vote of censure, which shall involve immediate exclusion from the Chamber for a period of from two to five days. The Representative against whom a vote of censure is proposed shall always have the right to be heard.

33. The vote of censure shall be taken without debate, by a vote by sitting and standing.

34. It shall be forbidden to make use of words or expressions whose meaning bears an affront to the dignity of peoples or their Governments, or which are otherwise contrary to the good conduct of debates. Without prejudice to his other rights for the maintenance of order, the President may cause such words to be deleted from the records of Sittings. He shall have similar power as regards any intervention by a Representative who has not obtained prior permission to speak.

Rule 13. — Public Order in the Chamber and Galleries.

35. No person shall enter the Chamber for any reason except Representatives, members of the Committee of Ministers and members of the staff whose duties require their presence there.

36. Only persons provided with a card of authority duly issued by the President or by the Secretary-General may be admitted to the Galleries.

37. Members of the public admitted to the Galleries shall remain seated and in silence. Any person expressing approval or disapproval shall be ejected at once by the ushers.

2.4. PART IV - Agenda of the Sessions

Rule 14. — Settlement of the Agenda.

1. A preliminary list of questions to be included in the Agenda shall be communicated to Representatives and Substitutes at the same time as the notice mentioned in Rule 1 above.

This list shall contain :

- a. the Statutory Report and Message of the Committee of Ministers;
- b. the Reports submitted by national or international organisations as a result of agreement between the latter and the Assembly;
- c. the Progress Report from the Standing Committee ;
- d. questions submitted by the Committee of Ministers for opinion or further consideration;
- e. questions referred to Committees;
- f. questions whose inclusion in the Agenda has been agreed to, in accordance with the provisions of Rule 15 below, either by the Assembly or by the Standing Committee.

2. A supplementary list shall be published on the fourth day of the Session. It shall contain all questions the inclusion of which in the Agenda shall have been agreed after the publication of the preliminary list specified in paragraph 1 of this Rule.

3. The Bureau shall proceed to co-ordinate the various questions and to establish an order of priority for their discussion. The Draft Agenda thus established shall be submitted to the Assembly, which may amend it.

4. The Assembly shall adopt or reject the Draft Agenda by an absolute majority of the votes cast.

Rule 15. — Requests for inclusion of questions in the Agenda.

1. Requests for the inclusion of a question in the Agenda shall contain only the title of the proposed question and the reasons in favour of its inclusion in the Agenda.

2. Such requests shall be supported in writing by ten or more Representatives.

3. Requests laid upon the Table for the inclusion of questions in the Agenda of the following Session or part of a Session shall be examined by the Assembly on the last day of the current Session or part of a Session.

Requests presented between Sessions shall be examined by the Standing Committee.

After the opening or resumption of a Session, requests for the inclusion of questions in the Agenda of that Session or part of a Session may be tabled only during the first three days and shall be examined by the Assembly at the end of the third day of the Session, subject, however, to the provisions of Rules 16 and 44 below.

4. The inclusion of a question in the Agenda shall require a two-thirds majority of the votes cast comprising at least one-third of the Representatives of the Assembly or of the members of the Standing Committee, as the case may be.

Rule 16. — Requests for Modifications of or Additions to the Agenda.

38. Once the Agenda has been adopted and without prejudice to the provisions of Rule 44 below, requests for the modification of any question included therein or for the addition of a new question must be signed by ten or more Representatives.

39. The Bureau shall decide by a two-thirds majority of the votes cast whether to submit such requests to the Assembly and, should it so decide, shall propose a date for their consideration.

40. The modification or addition shall require a two-thirds majority of the votes cast comprising at least one-third of the Representatives of the Assembly.

3. PART V - Use of languages and Publicity of Debates

Rule 17. — Official languages.

41. The official languages of the Assembly shall be English and French.
42. All documents of the Assembly shall be drawn up in both official languages.

Rule 18. — Sittings of the Assembly.

43. Speeches delivered in one of the official languages shall be simultaneously interpreted into the other.
44. Speeches may be made in a language other than the official languages. In such cases the speaker himself shall be responsible for arranging for consecutive interpretation into one of the official languages, which shall be simultaneously interpreted into the other official language.

Rule 19. — Meetings of Committees.

45. If an interpretation is required in Committee there shall only be consecutive interpretation from the one official language into the other.
46. Nevertheless, a Representative who cannot use one of the official languages may bring his own interpreter, who may interpret into one only of the official languages. There shall be an interpretation into the other official language only if a member of the Committee specifically requires it.

Rule 20. — Publicity of Debates.

The debates in the Assembly shall be public, unless the Assembly should decide otherwise.

Rule 21. — Minutes of Proceedings.

47. The Minutes of Proceedings of each Sitting shall be distributed at least half an hour before the opening of the following Sitting.
48. At the beginning of each Sitting, the President shall lay before the Assembly the Minutes of Proceedings of the preceding Sitting, and if no objection is raised they shall be declared agreed to.
49. If the Minutes of Proceedings are challenged, the Assembly shall, if necessary, vote on the changes requested. Should any such change be agreed to, mention shall be made thereof in the Minutes of Proceedings of the current Sitting.
50. The Minutes of Proceedings shall be printed, signed by the President and the Clerk, and preserved in the archives of the Assembly.

Rule 22. — Records of Debates.

51. A record of each Sitting shall be compiled, in each of the official languages, and distributed within as short a period as possible. A speech delivered in one of the official languages shall be reproduced verbatim in the Record compiled in that language; a Summary Record of its simultaneous interpretation shall be incorporated in the Record compiled in the other official language. In the case of a speech delivered in a language other than one of the official languages the consecutive interpretation of such a speech shall be considered as an official text.
52. Speakers are required to return the verbatim records of their Speeches to the Secretariat at the latest on the day following that on which the records were communicated to them.
53. After each Session or part of a Session the Records of Debates shall be published in full in both the official languages.

Rule 23. — Official Documents of the Assembly.

54. The official Documents of the Assembly shall be published in distinctive form, numbered and marked with the words " Official Assembly Document ".

55. The official Documents of the Assembly are the following :
- a. the Orders of the Day;
 - b. the Minutes of Proceedings;
 - c. the Records of Debates;
 - d. Requests by the Committee of Ministers for an opinion or further consideration, requests for the inclusion of a question in the Agenda, motions laid on the Table by Representatives or Substitutes, reports of Committees and Amendments thereto;
 - e. Recommendations and Opinions transmitted to the Committee of Ministers;
 - f. Resolutions.

4. PART VI - Organisation of Sittings and Rules of Procedure for Discussions

Rule 24. — Time-table and Orders of the Day of Sittings.

56. Unless the Assembly shall otherwise decide, morning Sittings shall be opened at 10 o'clock and closed not later than one o'clock, and afternoon sittings shall be opened at 3 o'clock and closed not later than half past six o'clock. Sittings shall begin not later than five minutes after the appointed time.

57. At the end of each Sitting, the Assembly shall, on the proposal of the President, fix the date and the orders of the day of the next Sitting.

58. The Orders of the Day of such Sitting shall be established, having regard to the priority of the questions included in the Agenda of the Session, unless the Assembly applies urgent procedure in accordance with the provisions of Rule 44 below.

Rule 25. — Register of Attendance.

Every Representative shall sign the register of attendance at each Sitting before taking his place.

Rule 26. — Communications to the Assembly.

Immediately after the adoption of the Minutes of Proceedings of the previous Sitting and before passing to the Orders of the Day, the President shall inform the Assembly of any communications which concern it.

Rule 27. — Order of Debates.

59. Unless the Assembly decides otherwise, the examination of a question in Committee shall be preceded by a General Debate.

60. The general debate shall deal only with the question at issue as a whole and with the principle involved.

61. At the end of the general debate, or after having decided not to hold such a debate, the Assembly shall refer to the competent Committee the texts laid on the table. Should the Assembly decide, after taking a vote by rollcall, that a question shall not be referred to Committee, consideration thereof shall lapse.

62. An examination of the text in detail shall take place on the Report of the Committee to which the question has been referred. It shall not begin less than one clear day after the distribution of the Report unless the Assembly applies the provisions for urgent procedure contained in Rule 44.

63. When the examination of the text has been concluded, only explanations of vote may be made before the vote is taken on the text as a whole.

Rule 28. — Tabling of Motions.

All motions for Recommendations or Resolutions must relate to a question previously included in the Agenda. The President shall judge if such motions are in order.

Rule 29. — Amendments.

64. Any Representative may propose and argue amendments.

65. Amendments shall relate directly to the text which it is sought to modify, the President shall decide whether they are in order. Amendments should apply only to the substantive text; they must be signed by their author and, unless proposed in the course of a debate, laid on the table so as to leave sufficient time for them to be printed and distributed before they are discussed.

66. Amendments shall have priority over the text to which they refer and shall be put to the vote before the text itself.

67. If two or more contradictory Amendments are tabled with reference to the same paragraph the Amendment which differs most from the text of the Committee's Report shall have priority over the others and shall be put first to the vote. If it is adopted, the other Amendments shall be considered as having been thereby rejected; if it is rejected, the Amendment next in priority shall be put to the vote—and similarly for each of the remaining Amendments. In case of doubt as to the degree of priority the President shall give a ruling.

68. Reference back to Committee may always be requested. The reference of an amendment to Committee shall not necessarily interrupt the debate, but the Assembly may fix a timelimit within which the Committee shall report its conclusions on the amendments which have been referred to it.

Rule 30. — Orders of the Assembly.

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70. Any Representatives may lay on the table of the Assembly motions for Orders of the Assembly which refer exclusively to questions of procedure or to questions connected with the organisation of the work of the Assembly. The President shall decide whether such motions are in order.

71. Motions for Orders of the Assembly shall not be referred to Committee; they shall be discussed by the Assembly, either at the end of the general debate with which they are connected, or after inclusion in the Orders of the Day of a Sitting in accordance with the provisions of Rule 24 above.

Rule 31. — Right to speak.

72. No Representatives may speak unless called upon to do so by the President. Representatives shall speak from their places and shall address the chair; the President may request them to come to the tribune.

73. Representatives wishing to speak shall either enter their names before the opening of the Sitting in a register provided for the purpose or ask for the right to speak in the course of the Sitting. The President may, in the interests of the debate, depart from the order in which Representatives have entered their names or have asked to speak. As far as possible he shall endeavour to call alternately upon speakers for and against the question under discussion. Once begun, a speech may not be interrupted and resumed at the following Sitting.

74. A speaker may not be interrupted, except on- a point of order³.

75. If a speaker is irrelevant, the President may call him to order. If a speaker has already been called to order twice in the same debate, the President may, on the third occasion, forbid him to speak during the remainder of the debate on the same subject.

76. Members of the Committee of Ministers and rapporteurs on a question under discussion shall be allowed to speak whenever they wish.

77. A Representative who wishes to make a personal statement shall be heard, but only at the end of a Sitting.

78. No Representative may speak for more than five minutes on any of the following : explanations of vote, personal statements, comments on the minutes of proceedings of the preceding Sitting, the fixing of the Orders of the Day of a Sitting and all questions of procedure.

Rule 32. — Procedural Motions.

79. A Representative shall have a prior right to speak if it is his intention :

a. to call the attention of the Chair to a breach of order or an abuse of the Rules of the Assembly;

3. A new clause was added to this sub-paragraph by the adoption of Amendment No. 1.

- b. to move the previous question or a dilatory motion;
- c. to move the adjournment of the Assembly, provided that such a motion may only be moved once during the course of a debate; or
- d. to move the closure of a debate.

80. These shall take precedence over the main question, the discussion of which shall be suspended while they are being considered.

81. The following only shall be heard : the proposer of the motion, one speaker against the motion, the rapporteur or Chairman of the Committee or Committees concerned.

82. The Assembly shall vote on any such questions by sitting and standing.

Rule 33. — Organisation of Debates.

83. The Bureau may at its discretion propose to the Assembly a programme and time-table for a specific debate.

84. The Assembly shall vote on such proposals without debate, by sitting and standing.

5. PART VII - Voting

Rule 34. — Methods of Voting.

85. Normally the Assembly shall vote by show of hands.

86. If the result of the show of hands is doubtful, the Assembly shall proceed to vote by sitting and standing.

87. Whenever ten or more Representatives so desire, the vote shall be taken by roll-call, unless some other method of voting is expressly provided.

88. The vote on a Draft Recommendation or Resolution considered as a whole, shall in all cases be taken by roll-call.

89. The roll shall be called in alphabetical order beginning with the name of a Representative drawn by lot. Voting shall take place by word of mouth and shall be expressed by " Yes " , " No " or " I abstain " . Only affirmative and negative votes shall count in the calculation the number of votes cast. The President shall be responsible for the counting of votes and shall announce the result. The votes shall be recorded in the Minutes of Proceedings of the Sitting in the alphabetical order of Representatives' names.

90. In the case of appointments, voting shall take place by secret ballot. Only those ballot papers bearing the names of persons who have been duly entered as candidates shall be taken into account for the purpose of calculating the number of votes cast.

Rule 35. — Majorities required.

The majorities required are the following :

- a. In respect of a draft Recommendation or a draft opinion to the Committee of Ministers; the inclusion of a question in the Agenda; the adoption of urgent procedure; the establishment of a Committee and the fixing of the date for the opening or resumption of ordinary sessions; a majority of two-thirds of the votes cast, comprising at least one-third of the Representatives of the Assembly or of the members of the Standing Committee, as the case may be;
- b. In respect of appointments, subject to the provisions of Rule 9 above, an absolute majority of votes cast at the first ballot and a relative majority at the second ballot;
- c. In respect of a draft Resolution and any other decision an absolute majority of the votes cast.

Rule 36. — Quorum.

91. The Assembly shall not adopt any Recommendation or Resolution unless a majority of the Representatives are present.

92. All votes other than votes by roll-call or on matters requiring the majority laid down in paragraph 1 of Rule 35 above shall, be valid, whatever the number of Representatives present, unless, before the vote is taken, the President has been requested to ascertain the number of those present.

93. A vote by roll-call shall in no circumstances be valid, nor the result be made public, if the vote shows that a majority of Representatives was not present.

94. In the absence of a quorum, the vote shall be postponed until the next Sitting.

Rule 37. — Right to vote.

The right to vote is an individual one. Voting by proxy is prohibited. A Substitute authorised to sit in place of a Representative, absent or prevented from taking his seat, shall vote in his own name.

Rule 38. — Substitutes.

95. Any Representative prevented from attending a Setting of the Assembly may arrange to be replaced by a Substitute of the same nationality as himself. He must give notice thereof to the President, who will in turn inform the Assembly.

96. Substitutes nominated in due form have the same rights as Representatives in the Assembly.

6. PART VIII - Standing Committee of the Assembly

Rule 39. — Standing Committee.

97. Before the close of an Ordinary Session, or in the case of a Session which is divided into two or more parts, before the close of the first part, the Assembly shall appoint the members of its Standing Committee.

98. The Standing Committee shall consist of the President, the six Vice-Presidents, and the Chairmen of the General Committees who shall be members ex officio, and of a number of members to be decided by the Assembly. The distribution of seats and the appointment of members shall be governed by the provisions of Rule 40 below.

99. The Committee shall be convened by the President of the Assembly whenever he deems it necessary and at least four times a year. It may not, however, meet when the Assembly is itself in session.

100. The Standing Committee shall be responsible for ensuring the continuity of action of the Assembly, and, when the occasion arises, shall act on its behalf. It shall follow and co-ordinate the work of the Committees and, in case of urgency, may refer certain questions to them for consideration. It shall take the necessary steps to prepare, facilitate and expedite the work of the Assembly. It shall fix the date of the opening and resumption of Sessions.

101. The President of the Assembly, acting on behalf of the Standing Committee, may consult with the Committee of Ministers as to the advisability of convening an extraordinary Session.

7. PART IX - Committees

Rule 40. — Constitution of Committees.

102. 1. At the beginning of each Ordinary Session the Assembly shall constitute the following General Committees :

- a. Committee on General Affairs;
- b. Committee on Rules of Procedure and Privileges;
- c. Committee on Economic Questions ;
- d. Committee on Social Questions;
- e. Committee on Cultural and Scientific Questions;
- f. Committee on Legal and Administrative Questions;
- g. Committee on Population and Refugees.

103. The Assembly may also decide to set up special Committees for specific purposes.

104. The Assembly shall fix the total number of seats in each Committee and the number of seats to be allotted to each of the Members.

105. Candidatures for membership of the Committees shall be addressed to the Bureau, which shall submit to the Assembly proposals for their composition. In the case of disputes, the Assembly shall decide by secret ballot.

106. The Bureau of each Committee shall be composed of a Chairman and two Vice-Chairmen.

Rule 41. — Competence of Committees.

107. Committees shall be responsible for examining those questions referred to them either by the Assembly or by the Standing Committee⁴.

108. Should a Committee declare itself to be⁵ incompetent to consider a question, or should a conflict arise as to the competence of two or more Committees, the question of competence shall be submitted to the Assembly or alternatively to the Standing Committee.

Rule 42. — Procedure in Committee.

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1. A Committee shall meet when convened by its Chairman or at the request of the President of the Assembly, either during or between Sessions.

2. A Committee may, in the interest of its work, appoint one or more sub-committees, of which it shall at the same time determine the composition and competence.

3. Any two or more Committees or sub-committees may hold a joint meeting for the examination of subjects coming within their competence, but may not reach a joint decision.

4. The rules adopted for the Assembly concerning the election of the President and Vice-Presidents, the Minutes of Proceedings, amendments, right to speak, procedural motions, methods of voting, required majorities and quorum, shall apply to the proceedings of Committees and sub-committees, subject to the following provisions :

a. A Committee shall vote by show of hands, unless any Representative shall demand a vote by roll-call. The vote on a report considered as a whole shall, however, always be by roll-call. The roll shall be called alphabetically beginning with the letter A.

b. The majorities required are : in respect of elections and appointments an absolute majority of the votes cast at the first ballot and a relative majority at the second ballot; provided that candidates may be proposed verbally by one Representative only ; in respect of the inclusion of a question in the Agenda of the Committee, the establishment of sub-committees and the adoption of a report considered as a whole, if the latter contains a draft Recommendation or opinion to the Committee of Ministers, a two-thirds majority of the votes cast comprising at least one-third of the Members of the Committee ; in respect of all other votes, an absolute majority of the votes cast.

c. A Committee may deliberate when onethird of its members are present but, the vote on a report considered as a whole shall not be valid unless the majority of the members of the Committee are present.

5. The Chairman of the Committee may take part in discussions and may vote, but without having a casting vote.

6. Any Representative, being a member of a Committee, who is prevented from attending a meeting of that Committee, may arrange to be replaced by another Representative or Substitute of the same nationality as himself. He must give notice to the Chairman, who will in turn inform the Committee. The Representative or Substitute who replaces him and has been nominated in due form shall have the same rights in Committee as the member himself.

4. See Amendment no. 2 a, negatived.

5. See Amendment no. 2 a, negatived.

6. Rule, disjoined and referred back to Committee, together with Amendment no. 2 b.

A member of a Committee who is unable to attend several Committee meetings should be replaced on each occasion by the same Representative or by the same Substitute, provided that in special cases he may, with the consent of the Chairman of the Committee, arrange to be replaced by another Representative or Substitute of the same nationality as himself.

7. Committee meetings shall be held in private.

Unless a Committee decides to the contrary, Representatives and Substitutes may attend meetings of the Committees of which they are not members but they may not take part in their discussions.

Provided that a Representative or Substitute who has moved a motion which has been referred to a Committee may be invited by that Committee to give evidence before it in an advisory capacity.

8. Minutes of Proceedings shall be drawn up for each Committee meeting. In addition, a summary record of the proceedings shall be compiled to which Representatives may have access but which will not be distributed.

9. Unless the Committee decides otherwise, the only texts which shall be made public shall be the reports which have been adopted as well as statements issued on the responsibility of the Chairman.

Rule 43. — Reports of Committees.

109. The Committees shall appoint a rapporteur for each subject who shall be responsible for the preparation of the report of the Committee and for introducing it to the Assembly. The report of the Committee⁷ shall comprise an explanatory memorandum and a substantive text.

110. The explanatory memorandum shall mention, in particular, the result of the vote taken in committee on the report considered as a whole, and, where the Committee's opinion is not unanimous, it must also state, the opinion of the minority.

111. Only the substantive text is voted upon by the Assembly; it must be presented in the form of a draft Recommendation or Opinion addressed to the Committee of Ministers, a draft Resolution or, as the case may be, a draft Order of the Assembly.

8. PART X - Urgent Procedure

Rule 44. — Urgent procedure.

112. Urgent procedure may be requested either by the Committee of Ministers, or by the competent Committee, or by ten or more Representatives, for the discussion of any item on the Agenda of the Session or of any new question which has not been proposed for inclusion in the Agenda, in accordance with the provisions of Rule 15 above.

113. The Bureau shall decide by a two-thirds majority of the votes cast whether the request shall be submitted to the Assembly, and, if it decides favourably, shall propose a date for the examination of the request concerned.

114. In connection with a request for urgent procedure, the following only shall be heard : the author of the request, one speaker against the request and the Chairman of the Committee concerned.

115. The adoption of urgent procedure shall require a two-thirds majority of the votes cast.

116. In the event of urgent procedure being adopted, the debate shall be opened on a date fixed by the Assembly. Should the question be referred to a Committee, the Assembly shall, when so doing, fix the dates for the tabling and examination of the report of that Committee.

9. PART XI - Relations between the Committee of Ministers and the Assembly

Rule 45. — Access to the Assembly and Committees.

7. See Amendment no. 2 a, withdrawn and replaced during the debate by an amendment for inserting the-words "'s conclusions " after the word " committee. " This second amendment was agreed to.

The representatives of the Committee of Ministers and their alternates shall have the right of access to the Assembly and its Committees. They shall be given the right to speak whenever they wish. They may not vote.

Rule 16. — Joint Committee.

117. The Joint Committee shall consist of not more than seven representatives of the Committee of Ministers and seven representatives of the Assembly. For any special meeting, the number of representatives may however be increased by agreement between the Bureau and the Committee of Ministers.

118. The representatives of the Assembly shall consist of the President, ex officio member of the Joint Committee, who shall assume the duties of Chairman. The other representatives shall be appointed by the Standing Committee from among its members.

Rule 47. — Report of the Committee of Ministers.

Progress Reports communicated by the Committee of Ministers to the Assembly, in pursuance of Article 19 of the Statute, shall be included in the Agenda, in accordance with Rule 14 above. At the conclusion of the relevant debate the Assembly shall vote on the text of a reply summarising its observations.

Rule 48. — Requests by the Committee of Ministers for opinion or further consideration.

Questions submitted to the Assembly by the Committee of Ministers for an opinion or further consideration shall be included in the agenda in accordance with Rule 14 above. The texts relating thereto which have been laid on the Table shall be referred to the competent Committee, in accordance with paragraph 3 of Rule 27.

Rule 49. — Written questions.

Representatives may, through the President, whether the Assembly is in Session or not, address to the Committee of Ministers written questions bearing on items which are or which have been on the Agenda of the Assembly. Questions and answers shall be published by the Secretariat-General.

10. PART XII - Petitions

Rule 50. — Eligibility and examination of petitions.

119. Petitions must be addressed to the President.

120. In order to be entertained they must :

- a. show the names, attributes and domicile of petitioners. The petitioners must cause their signatures to be authenticated in accordance with the internal legislation of the State in which they reside;
- b. bear on questions which fall within the competence of the Council of Europe.

121. The Bureau of the Assembly shall examine the eligibility of petitions with the Secretary- General.

122. Petitions which may be entertained shall be referred :

- a. to the competent committees, when they bear on a question on the Agenda;
- b. to the Committee of Ministers when they bear on a question not included in the Agenda.

11. PART XIII - Clerks and Assembly Services

Rule 51. — Clerks.

The service of the Assembly shall be undertaken by a Clerk, with the rank of Deputy Secretary-General, appointed by the Assembly and under the authority of the Secretary- General.

12. PART XIV - Miscellaneous Provisions

Rule 52. — Waiver of the Immunity of Representatives and Substitutes. (This Rule is the subject of the Report in Doc. 91)

123. Motions to amend the Rules of Procedure must be supported by ten or more Representatives. They shall be referred without debate to the Committee on Rules of Procedure, which shall report on them, as provided by Rule 43 above.

124. The examination of the Report of the Committee shall be included in the Orders of the Day, in accordance with the provisions of Rule 24 above.

125. The debate shall be concerned exclusively with the texts submitted.