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Modification of various provisions of the Assembly's Rules of Procedure

Report¹

Committee on Rules of Procedure, Immunities and Institutional Affairs

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Summary

In recent years, the Parliamentary Assembly has regularly amended certain regulatory provisions in order to accommodate changes in parliamentary practice, to clarify rules and procedures when their application or interpretation raised difficulties, or to address certain specific problems encountered. Within this context, the Committee on Rules of Procedure, Immunities and Institutional Affairs has taken account of the proposals put forward by its members, the national delegations, the political groups and the committees, in order to make the necessary adjustments to the Assembly's Rules of Procedure.

The proposed changes concern in particular:

- the procedure for considering amendments in the plenary,
- the speaking time of the rapporteurs,
- the quorum requirements in committees,
- the notification of substitutes,
- the possibility for several members to table a question to the Committee of Ministers,
- the duration of the terms of reference of periodic review reports by the Monitoring Committee,
- additional rights for the partners for democracy under specific conditions and upon decision by the Bureau,
- minor adjustments to the terms of reference of certain committees,
- lowering the threshold for forming a political group,
- removing of explanatory reports of reports under the urgent procedure,
- the access to meetings of the Monitoring Committee for secretaries of political groups.

1. Reference to the committee: Bureau decision, Reference 4688 of 14 October 2022.



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A. Draft resolution²

1. The Parliamentary Assembly recalls that its actions and decisions shall be based on clear, consistent and effective parliamentary rules and procedures. It recalls that it has regularly amended its rules in recent years in order to accommodate changes in parliamentary practice, clarify the rules and procedures where their application or interpretation have raised difficulties or to address specific problems. It therefore intends to take due account of proposals submitted by its members, national delegations, political groups and committees, and make the necessary adjustments in its Rules of Procedure.

2. Having regard to the above considerations, the Assembly decides to amend its Rules of Procedure as follows:

2.1. with regard to the procedure for examining amendments in plenary sitting:

2.1.1. modify Rule 34.7.a by adding the following sentence after the first sentence:

“The President chairing a sitting shall strictly interpret Rule 34.7.a on the consideration of oral amendments.”;

2.1.2. modify Rule 34.9 by adding the following sentence after the first sentence:

“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.”;

2.1.3. in order to strengthen the competence of committees when taking a position on amendments tabled, amend the first sentence of Rule 34.11 as follows:

“Following a proposal presented by the chairperson of the committee seized for report, amendments which have been unanimously approved by the committee shall be declared as adopted by the Assembly, unless ten or more members of the Assembly object.”;

2.2. with regard to the speaking time in plenary sitting:

2.2.1. as regards the speaking time of rapporteurs, in the complementary texts “Additional provisions relating to Assembly debates”, modify paragraph 2 and paragraph 3 of “iv. Speaking time” as follows:

“2. Rapporteurs shall have a total of ten minutes, of which, indicatively, seven minutes for the presentation of the report and three minutes for the reply at the end of the debate. The co-rapporteurs of the Monitoring Committee shall have five minutes each to present their report and five minutes to reply, to be shared between them.

Rapporteurs may, after the first round of speakers on behalf of the political groups, request the floor to reply; this speaking time shall be deducted from the time of reply at the end of the debate.

3. Rapporteurs for opinion shall have the same speaking time to present the opinion as the speakers registered for the debate concerned. Rapporteurs of the Bureau ad hoc committees on the observation of elections shall have five minutes to present the report.”;

2.2.2. as regards current affairs debates, in order to harmonise speaking time for statements with that laid down in other provisions, amend Rule 53.4, as follows:

“A current affairs debate may not exceed one and a half hours. It shall be opened by a member chosen by the Bureau, who shall have a total of ten minutes, of which, indicatively, seven minutes for the introduction of the debate and three minutes for the reply at the end of the debate.”;

2.2.3. as regards questions of procedure, in order to harmonise the speaking time with that laid down in other provisions, in Rule 35.7 replace the words “not more than two minutes” by “not more than 30 seconds”

2. Draft resolution adopted unanimously by the committee on 23 May 2024.

- 2.3. with regard to the notification of substitutes, replace Rule 40.1 with the following sub-paragraph:
“Only those representatives or, in their absence, the substitutes duly designated by the national delegation not later than 24 hours before the debate concerned, who have signed the register of attendance, shall be entitled to vote.”;
- 2.4. with regard to the threshold for the formation of a political group:
- 2.4.1. in Rule 19.2, replace the words “28 members”, by the words “26 members”;
- 2.4.2. in Rule 19.4, after the words “in Rule 19.2.”, add the words “on the date of 30 June, or which has less than 20 members for a period of three successive months”;
- 2.4.3. in Rule 19.7, after the words “as a reference date”, add the words “to verify that the conditions stipulated in Rule 19.2 are met, as well as”
- 2.5. with regard to the content of text proposals and written declarations tabled by members, replace the last sentence of Rule 25.2 and the second sentence of Rule 56.2 with the following sentence:
“They shall also address areas falling within the Council of Europe’s sphere of competence and shall not contain racist, xenophobic or intolerant language or words and expressions whose meaning bears an affront to human dignity.”;
- 2.6. with regard to the possibility for several members to table a written question to the Committee of Ministers:
- 2.6.1. in Rule 61.1, replace the first sentence with the following sentence:
“Representatives and substitutes or several representatives and/or substitutes may at any time address to the Committee of Ministers, or to its Chairperson-in-office, written questions bearing on matters within the competence of the Committee of Ministers.”;
- 2.6.2. in Rule 61.2, replace the sentence “Representatives and substitutes may also submit written questions.” with the following sentence:
“Representatives and substitutes or several representatives and/or substitutes may also submit written questions.”;
- 2.7. with regard to the bureaux of committees, in Rule 46.3, add the following words at the end of the second sentence: “only if the candidature respects the agreement reached”, and a new sentence at the end of the paragraph as follows: “If it proves impossible to reach an agreement by consensus, the agreement should be obtained amongst the political groups at a qualified majority of two thirds.”;
- 2.8. in order to clarify the committee decisions subjected to quorum requirements, after Rule 47 add the following new sub-paragraph:
“47.4. A committee with 81 or 85 seats may adopt a motion for a recommendation or resolution with no less than 20 members voting in favour of the motion; a committee with less seats shall adopt motions for recommendation or resolution with the requisite quorum as defined in Rule 47.3. Declarations by committees shall be adopted with the requisite quorum as defined in Rule 47.3.”;
- 2.9. with regard to references to committees, at the end of Rule 26.3, add the following sentence: “If a draft report adopted by a committee proposes any amendments to the European Convention on Human Rights, the Bureau requests an opinion of the Committee on Legal Affairs and Human Rights on this draft report.”;
- 2.10. with regard to reports prepared under the urgent procedure, the first sentence of Rule 50.4 should be amended by adding, after the word “rapporteur”, the words “, except when prepared under the urgent procedure”.
3. By adopting [Resolution 2492 \(2023\)](#), the Assembly demonstrated its clear intention to reaffirm its strong commitment to developing co-operation with neighbouring regions as a means of consolidating democratic transformations and promoting stability, good governance, respect for human rights and the rule of law.

Therefore, the Assembly needs to fully implement its earlier decisions taken by Resolution 2492 (2023) by adapting its Rules 17 and 64, as well as its “Guidelines for questions to guest speakers” in the complementary texts, accordingly, as follows:

- 3.1. after Rule 17.3, insert the following new sub-paragraph:

“17.4. The chairpersons of partner for democracy delegations or, in their absence, a member of the delegation duly designated, shall be invited to attend meetings of the Standing Committee without the right to vote.”;
- 3.2. at the end of Rule 64.6, add the following sentence:

“Their names shall be published on the website and in the Assembly list after the list of members for each committee, under the heading ‘partners for democracy’.”;
- 3.3. after Rule 64.6, insert the following new sub-paragraphs:

“64.7. On a proposal by the Committee on Political Affairs and Democracy, the Bureau may decide to grant some additional rights to partner for democracy delegations which have shown outstanding results in achieving the goals of the partnership and participate fully in the work of the Assembly. The decision of the Bureau shall be ratified by the Assembly at the beginning of a new session (in January) and shall be valid for the duration of the session (one year), with the possibility or not of extension at each following session depending on the results and according to the same procedure. Such additional rights for the delegations and their members may include:

 - 64.7.1. the right to table motions for recommendation and resolution, subject to co-signature by a member of the Assembly, with both names appearing as authors of the motion;*
 - 64.7.2. the right to table amendments, subject to co-signature by a member of the Assembly, with both names appearing as authors of the amendment;*
 - 64.7.3. the right to request current affairs debates and to be chosen to open such debates. If such a request is made by an individual member of a partner for democracy delegation, it should be subject to co-signature by a member of the Assembly, with both names appearing as authors of the request, and to having the support of 19 more members of the Assembly. If a request is made by a partner for democracy delegation, it should be supported by a political group, a national delegation or a committee, as provided by Rule 53.2;*
 - 64.7.4. the right to table written declarations, subject to co-signature by a member of the Assembly, with both names appearing as authors of the written declaration;*
 - 64.7.5. the right to be appointed as rapporteur for information reports which do not contain a draft resolution and/or recommendation.”;*
- 3.4. in the complementary texts relating to Assembly debates, in “vi. Guidelines for questions to guest speakers”, amend the first sentences of paragraphs 7 and 8, as follows:

“7. Representatives and substitutes and members of partner for democracy delegations may put written questions to the Secretary General of the Council of Europe for oral answer.”

“8. Representatives or substitutes and members of partner for democracy delegations may put spontaneous questions to guest speakers when this is provided for in the agenda of the part-session or authorised by the President of the Assembly during a sitting.”
4. The Assembly decides to adjust the terms of reference of certain committees, in the complementary texts, as follows:
 - 4.1. under “B. Specific terms of reference of Assembly Committees I. Committee on Political Affairs and Democracy (AS/Pol)”:
 - 4.1.1. at the end of paragraph 6, add the following words:

“and in the European Centre for Global Interdependence and Solidarity (North-South Centre).”
 - 4.1.2. after paragraph 6, add the following new paragraph:

“7. The committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.”

4.2. under “B. Specific terms of reference of Assembly Committees VII. Committee on Rules of Procedure, Immunities and Institutional Affairs (AS/Pro)”, add the following new paragraph 7:

“7. The committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe.”.

5. The Assembly decides to amend certain provisions relating to the functioning of the Monitoring Committee:

5.1. with regard to the duration of the terms of reference of periodic review reports by the Monitoring Committee, at the end of Rule 26.4 add the following sentence:

“References to the Monitoring Committee for periodic review as defined in paragraph 8 of the Terms of reference of the Assembly Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) shall lapse in three years.”;

5.2. with regard to access to the meeting of the Monitoring Committee, replace Rule 48.8 with the following:

“Secretaries of political groups may attend the meetings of committees of the Assembly, except for those of the Committee on the Election of Judges to the European Court of Human Rights. Secretaries of national delegations may attend the meetings of committees of the Assembly, except for those of the Committee on the Election of Judges to the European Court of Human Rights and of the Monitoring Committee.”;

5.3. with regard to the appointment of co-rapporteurs by the Monitoring Committee, at the end of paragraph 11.1 of [Resolution 1115 \(1997\)](#) (modified), add the following sentence: *“– no co-rapporteurs shall be a member (or a Chairperson) of a friendship group in his/her national parliament of the state being monitored.”.*

6. Finally, the Assembly decided to amend the following complementary texts:

6.1. in the “Additional provisions relating to Assembly debates”, “ii. List of speakers”, replace paragraphs 2 and 3 with the following paragraph:

“2. As soon as the draft agenda of the part-session has been published, and up to the closing date, names of members of the Assembly may be entered online via the Pace-apps platform, or in the event of malfunctioning of the application sent by e-mail (Table.Office@coe.int), by secretaries of national delegations or secretaries of political groups to the Table Office of the Parliamentary Assembly. Names may not be entered on the list of speakers for a debate under urgent procedure or a current affairs debate until a specific request is placed on the draft agenda”;

6.2. with regard to the «Modalities for the election procedure of judges to the European Court of Human Rights and the Council of Europe Commissioner for Human Rights», paragraph 3 and 4, delete the words *“on the ballot paper”*.

7. The Assembly also calls the committees to review the terms of reference of their networks, alliances or other bodies to allow the members of partner for democracy delegations to be included in their composition.

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

B. Explanatory report, by Ms Ingjerd Schie Schou, rapporteur

1. Origin and scope of the report

1. A number of questions relating to modifications of the Parliamentary Assembly's Rules of Procedure were successively referred to the Committee on Rules of Procedure, Immunities and Institutional Affairs (Rules Committee) by the Bureau of the Assembly. These were:

- the procedure and working methods used during hybrid or remote mode and their feasibility and effectiveness of implementation for the sessions and meetings held in physical presence of members: “lessons learnt from functioning in hybrid manner” (Bureau decision of 30 May 2022);
- the procedure for clarifying applicable Assembly guidelines relating to written questions to the Committee of Ministers (Bureau decision of 24 June 2022);
- the duration of the terms of reference of periodic review reports by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (Bureau decision of 14 October 2022).

2. In order to respond to these requests, the committee instructed, at its meeting on 10 October 2022, its chairperson to send a letter to the Bureau of the Assembly asking that the committee be seized with the preparation of a report allowing for a general revision of the Assembly's Rules.

3. After the committee was seized by the Bureau (reference 4688 of 14 October 2022), it decided, at its meeting on 23 January 2023, to join the three requests received within a single mandate on the modification of various provisions of the Assembly's Rules of Procedure. On the same day, the committee appointed me Rapporteur on all of these issues.

4. Later on, the Bureau referred further issues to our committee, to be taken into account in the preparation of the present report:

- the follow-up of [Resolution 2492 \(2023\)](#) “Assessing the functioning of the partnership for democracy” (Bureau decision of 28 April 2023);
- the motion for a resolution “Call for a change on rules relating to gender quota” ([Doc. 15749](#)) (Bureau decision of 25 May 2023).

5. In accordance with well-established practice, the committee is also ready to consider other proposals for amendments to the Rules of Procedure in order to adapt them to parliamentary practice, or to clarify them.

2. Proposed amendments to the Rules of Procedure to reflect lessons learned from the experience of working in a hybrid or remote format

6. In response to the Covid-19 pandemic exceptional situation, the Bureau of the Assembly introduced complementary working methods for committees, on a temporary basis, which also applied to the Bureau and the Standing Committee, in order to enable them to hold remote meetings.³ Furthermore, the Rules of Procedure were amended to enable the Assembly to hold hybrid or remote plenary sessions in exceptional circumstances ([Resolution 2349 \(2020\)](#) “Modification of the Assembly's Rules of Procedure on alternative arrangements for the organisation of Parliamentary Assembly part-sessions”, Rapporteur: Mr Frank Schwabe, Germany, SOC).

7. As rapporteur, I would like to reiterate from the outset the fundamental position set out in the report of Mr Schwabe, according to which the Assembly should adhere to the principle that its activities should be conducted in the usual manner as laid down in its Rules of Procedure. Consideration of holding part-sessions or committee meetings and votes in an alternative mode – hybrid or remote – should under no circumstances become a regular mode of operation: it is an exceptional mode of operation in exceptional situations. Only the normal presential mode of operation and procedures are likely to fully guarantee the deliberative nature of Assembly sessions.

3. See [AS/Bur \(2020\) 20 rev](#): Memorandum “Arrangements for the conduct of remote committee meetings”; [AS/Bur \(2020\) 18 rev](#): Memorandum “Committees’ decision-making framework – adaptation of the working procedures of the committees in response to the COVID-19 pandemic exceptional situation”.

8. However, the procedures and practices applied by the Assembly during the pandemic have led to a modernisation of the Assembly's functioning and, in many respects, to improvements, as stated in a memorandum considered by the Bureau of the Assembly.⁴ Therefore, it appears to be desirable to introduce on a permanent basis those mechanisms that add value to the Assembly's procedures.

9. On 6 July 2022, the Chairperson of the Rules Committee addressed a letter to all Chairpersons of committees with regard to the functioning of committees and the conduct of their meetings, inviting them "to review the modalities for the examination of draft reports in the light of the mode of functioning that the committees had between March 2020 and May 2022, in particular with regard to the presentation and examination of proposals for amendments to a draft text, or any other matter that may be deemed appropriate". In October 2022, the Chairperson received the replies from the committees with proposals, which largely reflected the points mentioned in the memorandum discussed by the Bureau. Taking into account the committees' feedback, the following changes to the Rules should be made.

2.1. Organisation of part-sessions and the running of plenary sittings

2.1.1. Discussion of amendments in plenary sitting

10. Rule 67.4.d foresees that, during part-sessions and meetings of the Standing committee organised in a hybrid or remote manner, "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". This provision should be included in the Rules on a permanent basis. Furthermore, if an amendment has been unanimously approved by the committee submitting the report, I propose that it should no longer be discussed during the plenary sitting, unless 10 or more members of the Assembly object. The objection of a single member, as Rule 34.11 currently provides, should not be sufficient.

2.1.2. Speaking time allocated to rapporteurs during plenary sittings

11. Chapter iv on speaking time of the Additional provisions relating to Assembly debates (in a normal operation mode) provides that "Rapporteurs shall have a total of thirteen minutes to present the report and to reply to the debate. Rapporteurs may, after the first round of speakers on behalf of the political groups, request the floor for a speaking time of up to four minutes to reply, which time shall be deducted from the time of reply at the end of the debate. Rapporteurs for opinion and rapporteurs of the Bureau ad hoc committees shall have the same speaking time to present their opinions as the speakers registered for the debate concerned".

12. Rule 67.4.j of the Rules of Procedure, introduced in November 2020, provides that, during hybrid or remote Assembly sessions, 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)."

13. At its meeting on 24 November 2022, the Bureau of the Assembly invited the Assembly rapporteurs to present their reports within 7 minutes and to keep their replies to 3 minutes. This practice has been applied on a regular basis since then, both in plenary and by the Standing Committee. This allows for a greater number of speakers to intervene in the debates. Time is indeed precious as speakers' list are almost systematically cut, sometimes even drastically.

14. I propose that the speaking time allocated to rapporteurs be revised on a permanent basis and limited to 10 minutes (ideally 7 minutes to present the report and 3 minutes to reply to speakers' statements) (with one exception for the co-rapporteurs of the Monitoring Committee), in line with recent practice, and extended to 5 minutes for the presentation of reports on the observation of elections in plenary. The relevant provisions, namely point iv.1 of the Additional provisions relating to Assembly debates – Complementary texts, as well as Rules 67.4.j should be amended accordingly.

4. See [AS/Bur \(2022\) 28 rev](#): Memorandum "The Assembly's procedures and working methods during sessions and meetings held in physical presence of members: "lessons learned from operating in hybrid format".

2.1.3. Notification of substitutes

15. In the light of the experience of hybrid or remote sessions and discussions in committees, it is proposed to close online registration 24 hours before the beginning of each sitting, in order to allow notification of late changes while ensuring that lists of speakers and voters can be properly managed. For specific unforeseen circumstances, it should be left open to the Bureau to decide on an exceptional basis to define another deadline.

16. It is worth noting in this context that, upon my proposal, the Bureau decided at its meeting on 25 May 2023 to open the notification of substitutions by debate. This was triggered by the fact that the number of sittings was reduced (five instead of nine) for as long as the Assembly met in the premises of the European Parliament, which limited the participation of substitutes. I would like to propose to make this new arrangement a permanent rule, and to amend the complementary texts accordingly. Rule 40.1 should be amended accordingly.

2.1.4. Paperless policy

17. The new online tool (Pace-Apps), which has been used extensively over the past two years, has given Committee members more operational flexibility. However, it should not exclude the traditional paper-based method for tabling motions but should rather be maintained to facilitate the tabling of motions.

2.2. Functioning of committees and the running of committees' meetings

2.2.1. Simplified procedure for voting

18. The ordinary procedure is for committees to vote on a draft text paragraph by paragraph and, at the end, on the draft text as a whole. The simplified procedure consists of voting on specific paragraphs only if there are amendments and, at the end, on the draft text as a whole. Committees mainly use the simplified procedure for voting on draft texts and this practice should be generalised. Generalising the simplified procedure does not require a modification of the Assembly's Rules of Procedure, as the Rules do not set out the procedure for committees to vote on draft texts.

19. Given the fact that this procedure does not require amendments to the Rules, the Rules Committee recommends to leave its application at the discretion of the committees.

2.2.2. Functioning of committees and the running of their meetings

20. On the issue of the format of committee meetings (hybrid, remote, full presential), and taking into account the committees' input, the Rules Committee agreed that it is essential to continue to base the Assembly's work on face-to-face meetings of its members, so as to allow for rich exchanges that are indispensable for the work of a multilateral organisation. Hence, full presential meeting should remain the rule.

21. However, certain decisions can be taken by committees by written consultation. This can mainly be done on procedural issues such as authorisations for members to participate in events, call for candidates for a report or possibly the consensual appointment of rapporteurs when there is only one candidate after an open call for candidates. This could also apply for example to authorise rapporteurs to organise hearings or exchanges of views, or to be assisted by an expert for the drafting of a report. Decisions adopted by written consultation should, in principle, be consensual and, if objections are raised, only in the case of real urgency, a majority decision could be adopted by written consultation. This is already the practice and does not require a change of the Rules.

2.2.3. Tabling and consideration of amendments

22. The practice of sending proposed amendments in written form to the committee secretariat 48 hours before the meeting and then sending all the amendments to members 24 hours before the meeting in both official languages greatly facilitates the processing of amendments on the day of the meeting, although this does not prevent members from proposing amendments on the day.

3. Possible amendments to the Rules of Procedure concerning enhancing intra-institutional interaction between the Parliamentary Assembly and the Committee of Ministers

23. The practice of parliamentary questions is inherent to a parliamentary system of governance, where one of Parliament's key functions is to exercise democratic oversight over the executive. The right to put questions to the Committee of Ministers is one of the fundamental rights of the members of the Assembly, foreseen under the Assembly's Rules of Procedure (Rule 61.1).

24. The issue of intra-institutional relations was discussed during an informal joint meeting between the Presidential Committee of the Assembly and the Bureau of the Ministers' Deputies, held in the margins of the Assembly 2022 January part-session. The Bureau of the Assembly considered the matter and asked the Rules Committee to consider the possibility of tabling written questions by several members. In addition, the Bureau was invited to further enhance the guidelines regarding written questions in order to clarify the meaning of "general interest" of written questions.

25. On 24 June 2022, the Bureau considered a memorandum by the Secretary General of the Parliamentary Assembly and agreed to amend accordingly the Additional provisions relating to Assembly debates thus enhancing the guidelines regarding written questions in order to clarify the meaning of "general interest" of written questions. More specifically, the memorandum presented by the Secretary General of the Assembly to the Bureau suggested that, when assessing the general interest of a written question, the President should be guided by the following considerations:

- The subject matter of the question should fall within the competence of the Council of Europe and the sphere of responsibility of the Committee of Ministers;
- The question should be of interest and importance for several member States, highlighting for example:
 - systemic issues relating to the implementation of a key Council of Europe legal instrument (for example the European Convention on Human Rights (ETS No. 5), the European Social Charter (Nos. 35 and 163) etc.) or a judgement of the European Court of Human Rights (Committee of Ministers competency);
 - the development of emerging practices in a given field (for example artificial intelligence);
 - the added value of Council of Europe action regarding the subject matter of the question.
- Written questions should, as far as possible, avoid addressing bilateral issues; instead, parliamentarians could be encouraged to table written declarations.

26. The possibility of tabling questions by several members should be added to the Assembly Rules of Procedure. This would help avoid a situation where the same or related questions, are tabled separately by several members.

4. Duration of the terms of reference of periodic review reports by the Monitoring Committee

27. Rule 26.4. stipulates that "A reference to committee shall lapse in two years or, at the request of the committee concerned, by a decision of the Assembly."

28. On 14 October 2022, the Bureau considered a letter from the Chairperson of the Monitoring Committee and decided to refer the general issue of the duration of the terms of reference of periodic review reports to the Rules Committee.

29. On 26 January 2023, the Assembly adopted [Resolution 2483 \(2023\)](#) "The progress of the Assembly's monitoring procedure (January-December 2022)" in which it recalled the specific conditions and procedural requirements linked to the preparation of these reports which mean that a single two-year reference period, in accordance with Rule 26 of the Rules of Procedure, was insufficient.

30. Experience has shown that specific procedures in the Monitoring Committee make it almost impossible to comply with this deadline.

31. Some of the reasons that slow down the preparation of periodic reports include the method of appointment of rapporteurs involving political groups (two for each report); the multi-stage preparation process including a visit and time for the authorities to comment and, last but not least, the need for a stable political situation in the country concerned fostering political dialogue. Discussions in the Rules Committee clearly supported the proposal to increase the time limit for the preparation of periodic review reports to at least three years, with the possibility for a further extension.

32. The committee also discussed the possibility of extending references to committees in general, but concluded that the current deadline of two years should remain in order to ensure that topics remain relevant.

5. Follow-up of Resolution 2492 (2023) “Assessing the functioning of the partnership for democracy”

33. On 25 April 2023, the Parliamentary Assembly adopted [Resolution 2492 \(2023\)](#) “Assessing the functioning of the partnership for democracy” which states that:

“7. The Assembly resolves that the following rights shall be granted to partner for democracy delegations in addition to those foreseen by Rule 64:

7.1. the chairpersons of partner for democracy delegations shall have the right to participate in the meetings of the Standing Committee;

7.2. members of partner for democracy delegations shall have the right to put spontaneous oral questions to guest speakers in plenary sittings of the Assembly and in meetings of the Standing Committee;

7.3. partner for democracy delegations shall have the right to designate their members to work in Assembly committees and sub-committees (including ad hoc sub-committees) open to them. The names of such designated members should appear on the lists of committees and sub-committees under the heading “partners for democracy” and added to the number of committee members designated by the delegations of member States in accordance with Rule 44.1;

7.4. members of partner for democracy delegations shall have the right to be appointed as full members in various networks set up in the Assembly.

8. The Assembly further resolves that some additional rights may be granted to partner for democracy delegations which have shown outstanding results in achieving the goals of the partnership and participate fully in the work of the Assembly and its committees. Such additional rights for the delegations and their members may include:

8.1. the right to table motions for recommendation and resolution, subject to co-signature by a member of the Assembly, with both names appearing as authors of the motion;

8.2. the right to table amendments, subject to co-signature by a member of the Assembly, with both names appearing as authors of the amendment;

8.3. the right to request current affairs debates and to be chosen to open such debates. If such a request is made by an individual member of a partner for democracy delegation, it should be subject to co-signature by a member of the Assembly, with both names appearing as authors of the request and having the support of 19 more members of the Assembly. If a request is made by a partner for democracy delegation, it should be supported by a political group, a national delegation or a committee, as provided by Rule 53.2;

8.4. the right to table written declarations, subject to co-signature by a member of the Assembly, with both names appearing as authors of the written declaration;

8.5. the right to be appointed as rapporteur for information reports which do not contain a draft resolution and/or recommendation.”

9. The additional rights referred to in paragraph 8 above may be granted by decision of the Bureau, ratified by the Assembly, at the beginning of a new session (in January). The decision shall be based on a proposal by the Committee on Political Affairs and Democracy. Extended rights shall be granted for the duration of the session (one year) with the possibility to extend or not to extend them depending on the results.

34. As far as paragraph 7 of [Resolution 2492 \(2023\)](#) is required, some of its provisions require an amendment to the Assembly Rules, while others do not:

- the chairpersons of partner for democracy delegations shall have the right to participate in the meetings of the Standing Committee: Rule 17.3 could be amended so as to include that the chairpersons of partner for democracy delegations are invited to participate in the meetings of the Standing Committee, but without the right to vote. They shall have the right to speak with the authorisation of the President of the Assembly, in his capacity as Chairperson of the Standing Committee.

- members of partner for democracy delegations shall have the right to put spontaneous oral questions to guest speakers in plenary sittings of the Assembly and in meetings of the Standing Committee: according to Rule 64.5 members of delegations with partner for democracy status shall have the right to speak in the Assembly sittings with the authorisation of the President of the Assembly.
- partner for democracy delegations shall have the right to designate their members to work in Assembly committees and sub-committees (including ad hoc sub-committees) open to them. The names of such designated members should appear on the lists of committees and sub-committees under the heading “partners for democracy” and added to the number of committee members designated by the delegations of member States in accordance with Rule 44.1: according to Rule 64.6, members of delegations with partner for democracy status may participate in committee meetings as provided in Rule 48.5 (without a right to vote). Delegations with partner for democracy status appoint members to committees, to which meetings they may participate and speak. Their names could be published on the website and in the Assembly list under a specific category but shall not be added to the number of committee members. Adding them to the number of committee members designated by the delegations of member States in accordance with Rule 44.1 would, for instance, change the quorum. This would not be correct, as they are not full members and do not have the right to vote.
- members of partner for democracy delegations shall have the right to be appointed as full members in various networks set up in the Assembly: the composition of networks, alliances or other committee bodies is defined at committee level, not in the Assembly Rules. As a matter of fact, the terms of reference of the Parliamentary Platform for the rights of LGBTI people in Europe already foresees in its composition the appointment of members of partner for democracy delegations. This does not require amendments to the Rules. Committees could be invited to review the terms of reference of their networks, alliances or other bodies to ensure that members of partner for democracy delegations are included in their composition.

35. As far as paragraph 8 of [Resolution 2492 \(2023\)](#) is concerned, it should be included *in extenso* in the relevant Rule (Rule 64). It should be noted that this new provision does not automatically grant the enclosed rights to all partners for democracy but that, as stipulated in the resolution, “The additional rights referred to in paragraph 8 above may be granted by decision of the Bureau, ratified by the Assembly, at the beginning of a new session (in January). The decision shall be based on a proposal by the Committee on Political Affairs and Democracy. Extended rights shall be granted for the duration of the session (one year) with the possibility to extend or not to extend them depending on the results”.

6. Motion for a resolution “Call for a change on rules relating to gender quota” (Doc. 15749)

36. On 25 May 2023, the Bureau referred to the Rules Committee a motion for a resolution “Call for a change on rules relating to gender quota” ([Doc. 15749](#)) to be taken into account in the preparation of the present report.

37. The motion for resolution in question alleges that changes introduced to the Rules of the Assembly by [Resolution 2394 \(2021\)](#) “Gender representation in the Parliamentary Assembly”, and which entered into force as of January 2023, are discriminatory and calls for a revision of the rules on gender representation in the Assembly. The motion for a resolution claims that “national parliaments are obliged to appoint (and suspend) parliamentarians based on their gender” and urges “the Assembly to stop discrimination against women and men, to guarantee a right to be selected based on professional achievements rather than biological features, and to avoid suspending more qualified, more eager, or more available delegates for having the ‘wrong’ gender.”

38. Let me recall that, as stated in [Resolution 2394 \(2021\)](#), “The sharing of responsibilities in political and public decision making between women and men is an inherent element of any true and effective democracy, a matter of equity and justice, and responds to the necessarily legitimate aspirations that have been expressed in our societies for decades. Women’s empowerment and capacity building are essential to achieve women’s effective and active participation in representative institutions and decision-making bodies. Our societies are composed of an equal number of men and women. Combining this reality with political representation and establishing parliamentary parity are legitimate objectives; where there is political will and where the impetus is given at the highest institutional level, parity can become the norm.”

39. The motion for resolution claims that the right to be free from discrimination should work both ways protecting both men and women. New Rule 6.2.b states that “Each national delegation must include both women and men among its representatives. As long as women are under-represented in the Assembly, each

national delegation shall include a percentage of women as members that is at least equal to the percentage in its parliament or, if this is more favourable to the representation of women, ensure gender representation as follows (...)."

40. We should be proud of the fact that in January 2023 and January 2024 all national delegations met the requirements of the new rules in terms of gender representation. The new rules have already borne fruit and gender representation improved also in the composition of the committees. There is no reason to go back on these measures.

7. Adjustments to the terms of reference of certain committees

41. As a result of the Reykjavik Summit, the Committee of Ministers has decided to modify the intergovernmental structure. A new intergovernmental committee on democracy has been set up (CDDEM).

42. The mandate of this new intergovernmental committee corresponds to a substantial part of the mandate of the Assembly's Committee on Political Affairs and Democracy. Hence, it would be most appropriate for that committee to send a representative to follow this work. The following sentence should be added in the terms of reference of committees where it is lacking: "The committee shall represent the Assembly in, and follow the work of, the relevant expert committees of the Council of Europe." Furthermore, considering the mission of the North-South Centre, it would seem appropriate for the Committee on Political Affairs and Democracy to also send an Assembly representative to follow its work.

8. Political groups – threshold for the formation of a political group

43. Rule 19.2. states that "A political group shall have no fewer than 28 members of at least eight national delegations. No Assembly member may belong to more than one political group."

44. Following the expulsion of the Russian Federation, the number of members of the Assembly has decreased (currently 612). However, the threshold to form a political group has remained unchanged at 28. 28 members currently represent 4.5% of the members of the Assembly, while 28 members represented 4.3% of the 648 members of the Assembly before the expulsion of the Russian Federation. A 26 members threshold would represent 4.3% of the members of the Assembly.

45. It is interesting to note that in the European Parliament (705 members) only 23 members (3.2%) are needed to form a political group. As for the Congress of Local and Regional Authorities (612 members), 20 delegates (3.2%) can form a political group.

46. Considering these different thresholds and figures, and following converging discussions with the representatives of the political groups, I propose to keep the 4.3% threshold of the Assembly, which would lower the number of members required to 26.

47. Given the very nature of our Assembly, and unlike national parliaments, its composition regularly fluctuates with the holding of parliamentary elections in the Council of Europe member States. This should be taken into account and a political group should not immediately disappear when dropping below the 26 members threshold. Furthermore, when it comes to calculating the allocation per political group, the calculations concerning the *per capita* allowance per political group are based on the number of members of the political groups on 30 June, according to the system defined in Rule 19.7 of the Assembly's Rules of Procedure.

48. 30 June should also be set as the reference date to verify that the conditions set out in Rule 19.2 for the existence of a political group are met.

9. Various changes necessitated by parliamentary practice

9.1. Rule 35.7 on questions of procedure

49. Rule 35.7 should be amended as it leads to confusion with Rule 36 and the 30-second speaking time limit on points of order. It should read as follows: "*Comments on any question of procedure shall be limited to 30 seconds*".

9.2. Rule 25.2 (motions for recommendations and resolutions) and Rule 56.2 (written declarations)

50. With regard to the content of text proposals and written declarations submitted by members, Rules 25.2 and 56.2 should be supplemented to include that the texts or the declaration shall address “areas falling within the Council of Europe’s sphere of competence”.

9.3. Prolongation of the validity of references

51. To ensure coherence between parliamentary practice and the Assembly’s regulatory framework, paragraph 9 of the Guidelines for consideration of motions for resolutions and recommendations⁵ should be amended by deleting its second sentence as follows:

“9. References shall remain valid for the time foreseen in the Rules of Procedure (Rule 26.4).”

52. Indeed, practice shows that, for various legitimate reasons, committees are sometimes compelled to ask the Bureau for a prolongation of their mandates. A strict rule against such exceptions is not adequate.

9.4. Additional provisions relating to Assembly debates

53. The Additional provisions relating to Assembly debates should be adapted to current practice: Paragraphs 2 and 3 of ii. List of speakers should be merged and amended as follows:

“As soon as the draft agenda of the part-session has been published, and up to the closing date, names of members of the Assembly may be entered online via the Pace-apps platform, or in the event of malfunctioning of the application sent by e-mail (Table.Office@coe.int), by secretaries of national delegations or secretaries of political groups to the Table Office of the Parliamentary Assembly. Names may not be entered on the list of speakers for a debate under urgent procedure or a current affairs debate until a specific request is placed on the draft agenda”.

9.5. Bureaux of committees

54. Rule 46.3 reads as follows: “Committee members who have been members for at least one year may be candidates for the office of chairperson or vice-chairperson and must belong to the political group to which the Chair or a Vice-Chair has been allocated on the basis of an agreement reached among the political groups within the Presidential Committee. A single candidate put forward for any office shall be declared elected without proceeding to a vote.”

55. As foreseen in Rule 46.3, the political groups reach an agreement on the repartition of the committee chairmanship, as well as on the attribution of the position of first, second and third vice-chairmanships. In a spirit of constructive dialogue between the political groups, it would seem advisable that not only do the groups agree on the repartition of the chairmanships and vice-chairmanships of committees, but the overall proposals on the candidates put forward for these positions should also be the subject of an agreement among the political groups. If it proves impossible to reach an agreement by consensus, the agreement should be obtained amongst the political groups at a qualified majority of two thirds. Furthermore, a single candidate put forward for any office shall be declared elected without proceeding to a vote, only if the said candidature respects the agreement reached. Rule 46.3 should be amended accordingly.

9.6. Procedure in committees: quorum requirements

56. The Rules of procedure foresee that certain decisions taken by committee are subject to quorum requirements.

57. Rule 47.3 reads as follows: “A committee may deliberate and take decisions when one third of its members are present; however, if so requested by one sixth of its members before voting begins on a draft opinion, recommendation or resolution as a whole, or on the election or dismissal of the chairperson or vice-chairpersons, the vote may be taken only if a majority of committee members are present.”

58. It is completed by Rule 47.4 foresees that “If no quorum exists when a committee begins a meeting which is taking place at the date, time and place which was notified to its members, the chairperson shall have the power to close the meeting and forthwith open a subsequent one during which the committee may

5. Approved by the Bureau of the Assembly on 23 May 2019 and ratified by the Assembly on 24 June 2019.

deliberate and vote, irrespective of the number of members present. During such a meeting, the agenda sent out to committee members beforehand shall not be changed. The provisions on roll call contained in paragraph 2 above shall not be applicable during such a meeting.”

59. This means that, basically, a committee can take any decision without a quorum, as long as it does not change its agenda.

60. The Rules specify a quorum requirement only for two types of decisions at committee level, which are imperative and do not fall under Rule 47.4. A motion for recommendation or resolution shall be adopted by a committee with the requisite quorum as defined in Rule 47.3 (Rule 25.2). The same applies to adoption of declarations by committees (Article 2.4 of the Guidelines for the adoption of declarations, approved by the Bureau on 5 March 2015). Hence, committee chairpersons are expected to ascertain the quorum before the vote starts (see Rules of Procedure on the quorum) of the adoption of such texts by their committees. Furthermore, the Monitoring Committee has defined a quorum requirement in its internal working methods concerning the selection of countries to be subjected to a periodic review.

61. For the sake of clarity, the above-mentioned decisions subjected to the requisite quorum should be listed in Rule 47. Rule 47 should be amended accordingly and redrafted for a better understanding of its provisions.

62. Taken into account the difficulties encountered by committees in reaching the quorum requirements when points requiring quorum are taken at a later stage on their agenda, the Rules Committee came to the conclusion that:

- for the committees with 81 or 85 seats, a motion for recommendation or resolution shall be adopted by a committee with a specific requisite: no less than 20 members voting in favour of the motion. This would be in line with the regulatory requirements defined in Rule 25.2 (Tabling of motions for recommendations and resolutions);
- for the committees with less seats (Committee on Rules of Procedure, Immunities and Institutional Affairs and Committee on the Election of Judges to the European Court of Human Rights), and as 20 votes would be by far above the quorum defined in Rule 47.3 (= 1/3 of the committee members), a motion for recommendation or resolution shall be adopted by the committee with the requisite quorum as defined in Rule 47.3;
- as far as the adoption of declarations by committees is concerned, a stricter quorum requirement should be maintained. Declarations can be very sensitive and should be backed with the necessary political support. The existing requirement states that declarations can be adopted by a committee with the requisite quorum as defined in Rule 47.3 (Rule 25.2). The Rules Committee considers this to be reasonable.

63. Points on the agenda requiring a specific quorum should be considered as priority matter by committees.

64. It is worth recalling that the quorum of one third is calculated on the basis of the seats filled and without taking into account the *ex officio* members. When checking the quorum, only members and alternates who are entitled to vote count (*ex officio* members present in the room shall not be taken into account).

9.7. Access to meetings of committees – Monitoring Committee

65. Taking into account discussions in the committee and following a unanimous proposal by the leaders of the political groups, it is proposed to amend Rule 48.8 to make it possible for secretaries of political groups to attend the meetings of the Monitoring Committee.

9.8. Appointment of co-rapporteurs by the Monitoring Committee

66. We have been seized by a letter from the chairperson of the Monitoring Committee to consider the question of possible incompatibility of being at the same time monitoring rapporteur and member or president of a parliamentary friendship group with the country in question.

67. In this context, it is worth noting that the guidelines on the observation of elections by the Assembly foresee that “the Chairperson [of the ad hoc committee to observe the elections] shall be neither a national of a neighbouring country nor a member of a friendship group in his or her national parliament of the country where elections are being observed.”

68. There is a parallel between the function of co-rapporteur of the Monitoring committee on a given country, and chair of the *ad hoc* committee to observe the elections in a given country.
69. In both cases, it is of utmost importance that the members of the Assembly appointed to such functions do not have any conflict of interests, nor any perceived conflict of interests.
70. Even though it is an asset to have a certain knowledge of the country concerned, not only being the chairperson of a friendship group, but also being a member of a friendship group may objectively be perceived as a conflict of interest.
71. A member who would nevertheless like to become co-rapporteur could certainly step back from the friendship group for the time of his/her rapporteurship.
72. Paragraph 11.1 of [Resolution 1115 \(1997\)](#) should be amended accordingly.

9.9. Debates under the urgent procedure

73. Recent practice shows that the Assembly is willing and able to adapt its practice and to stretch its capacities to be politically relevant and reactive. Hence, the number of reports debated under the urgent procedure has increased significantly.⁶ Such debates considerably contribute to the political relevance and visibility of the Assembly. However, one can question the necessity of producing lengthy reports under this procedure. Its original aim is to enable the Assembly to swiftly take a political position on an unfolding event, or on a given subject that calls for an urgent reaction. The tendency shows nevertheless that Assembly rapporteurs produce reports with a scope equal to those of regular reports when working under the urgent procedure. This is a shift of practice which should not become the rule. It stretches the already limited capacities of the Assembly secretariat to an extent beyond necessary. Ultimately, even the Assembly members are not able to thoroughly read the reports prepared under the urgent procedure as they must be dealt with in both committee and plenary within a short timeframe. Obviously, the absence of an explanatory report would give less opportunity to thoroughly describe the reasons for the Assembly's proposed position. Hence, the preamble to the draft resolution/recommendation should be detailed enough to provide sufficient explanation for the Assembly's position.

74. An exception to the provisions of Rule 50 should be foreseen, stating that reports debated under the urgent procedure shall normally contain one or more draft texts (recommendations or opinions addressed to the Committee of Ministers and/or resolutions) and that, unlike reports presented under the regular procedure, they shall not contain an explanatory memorandum. Furthermore, the length of draft resolutions and draft recommendations should be respectively limited to 1 800 words and to 1 050 words (representing no more than 2½ pages for a draft resolution, and no more than 1½ page for a draft recommendation).

10. Improving Assembly members' participation

75. On a topic related to that of quorum requirements, one of our constant goals should be to ensure the best participation of Assembly members in Assembly debates and decision-making process. We should regularly consider taking steps to enable Assembly members to play a more active part in its work.

76. As rapporteur, I would like to underline the importance of this issue and will strongly support the ongoing work of the Rules Committee on this matter. In the framework of the preparation of its report entitled "Increasing members' active participation in and contribution to the work of the Parliamentary Assembly and its committees", the Rules Committee should consider incentives to favour a higher participation of Assembly members in its work.

77. Last but not least, significant editorial work should be undertaken to make the Rules of Procedure more reader-friendly and ensure coherence.

6. One urgent debate and two current affairs debates at the 2023 April part-session, two urgent debates (including one joint debate of two reports) and one current affairs debate at the 2023 June part-session, and three urgent and two current affairs debates at the 2023 October part-session.