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Replacement of deceased Representatives by Substitutes

Opinion
Committee on Rules of Procedure, Immunities and Institutional Affairs
Rapporteur: Mr Jacques BICHET, France

1. During examination of the Report of the Credentials Committee, Doc. 183, at its sitting of 15th September last, the attention of the Assembly was drawn to the fact that 5 of the 132 Seats provided for by the Statute had fallen vacant. If the number of seats in the Assembly were, in fact, to be reduced to 127, certain Substitutes would be prevented from occupying seats falling vacant owing to the decease or resignation of the holder.

2. Some Representatives regarded this as an over-scrupulous interpretation of the Rules for, while it is possible to appoint Substitutes to replace Representatives who are for any reason unable to attend, there should be some provision for their replacement in the event of decease or resignation.

3. There is no question, however, of allowing the Assembly to change the status of a Substitute into that of a Representative, since his status is the result of the credentials forwarded by each Member State in accordance with Rule 6 (1), whereas the function of the Assembly is simply to examine such credentials without amending them. Similarly, it is for the Member State concerned to appoint the Substitute who will permanently replace a deceased or outgoing Representative and who may thereby enjoy the same rights.

4. Moreover, Rule 6 (4) lays down that " 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 " . A Substitute is therefore entitled to occupy a vacant seat immediately, subject to later confirmation by his Government or Parliament. It follows that the number of seats in the Assembly cannot be less than is laid down by the Statute, namely 132. Seats which become vacant will not simply disappear but will always remain available, at the opening or resumption of each Session, for occupation by a Substitute in the event of the decease or resignation of the titular holder.

To sum up, the Committee has reached the conclusion that, in pursuance of Rule 6 (4), a Substitute may occupy a Seat left vacant by the decease or resignation of a Representative, provided that the Member State concerned confirms him in this right. Your Committee now submits this Opinion to the Assembly for approval.