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Draft Rules of Procedure of the Assembly

Report
Committee on Rules of Procedure, Immunities and Institutional Affairs
Rapporteur: Mr Pierre de FÉLICE, France

1.

During its 1949 Session, the Assembly received a Report from the Rapporteur of the Committee on Rules of Procedure and Privileges on the work of his Committee, and, without voting on the Articles 1-9 wich the Committee had examined, authorised the creation of a Sub-Committee for the purpose of making a complete study of the Rules of Procedure of the Consultative Assembly with a view to reporting thereon first to the plenary Committee and subsequently to the Assembly at the beginning of its 1950 Session.

This programme has been adhered to. On 21st-22nd April in Paris, and on 26th June in Strasbourg, the Sub-Committee carried out an examination and revision of the whole of the Rules of Procedure, with the exception of Article 48 dealing with the raising of parliamentary immunity. This Article involves the question of " privileges " and it was felt that, as a first step, the Assembly should indicate the general principles which it wishes the Committee to incorporate in its provisions.

The plenary Committee thus presents a finished draft which has been examined in great detail and could be finally adopted without delay. (Appendix A). It would, therefore, be reasonable and of advantage to submit the proposed text to the Assembly at the eery beginning of the 1960 Session, since, in the opinion of the Committee, the Assembly could very quickly dispose of this question which is of an administrative character.

The Committee emphatically insists that this priority should be accorded.

The following summary analysis of Articles 1 to 8, which were already examined in 1949 and which the Committee has revised and corrected, and of the remaining Articles which it has studied more recently, will it is hoped, assist the Assembly to agree that an immediate examination of the text shall be made.

1.1. I. Articles 1-8

The Committee has made some slight amendments to the form of these Articles in relation to the proposals submitted to the Assembly in 1949, but is has also — in Article 6 (a) — introduced an addition which requires special mention.

1.1.1. 1) Modifications in the form

In the provisional Rules of Procedure, which were laid before the Committee, Article 4 — a special Article — dealt with the duration of Sessions, both Ordinary and Extraordinary.

In August, 1949, the plenary Committee had considered it preferable to include the Rules on the duration of Sessions, on the one hand in Article 1, which covers the case of Ordinary Sessions, and, on the other hand, in Article 2, which refers to Extraordinary Sessions. Since Articles 1 and 2 thus contained the subject matter — duration of Sessions — of Article 4, this Article was deleted as being unnecessary.

After further consideration, however, the Committee has considered it preferable to re-introduce the special Article 4 referring to the duration of Sessions whilst leaving unchanged the substance of the provisions adopted by the plenary Committee in 1949.

1.1.2. 2) The new Article 6 (a)

The Committee has laid down the provisions governing the term of office of Representatives in a new Article 6 (a) couched in the following terms:

" Representatives and Substitutes shall remain in office until the opening of the next Ordinary Session except that, in the event of an Extraordinary Session, Members shall be entitled to make such changes among their Representatives as they think fit. "

In justification of this text, the Committee bases ist view on considerations both logical and practical.

On the one hand, from the moment that it was laid down in Article 8, last paragraph, that " the President and Vice-President shall remain in office until the opening of the next Ordinary Session ", there was no resaon for not admitting the continuity of office of all Representatives, whether they are members of the Bureau of the Assembly or not. On the other hand, from the moment that it was accepted that Committees should meet between Sessions, it was evidently necessary that the term of office of Representatives should be recognised as continuing from one Ordinary Session to the next. Such are the reasons for the provisions of the first part of Article 6 (a).

The second part of Article 6 (a) — " Except that in the event of an Extraordinary Session, Members shall be entitled to make such changes among their Representatives as they think fit " — requires more detailed explanation.

When drafting it the Committee did not have in mind the eventuality of the death of a Representative or of his nomination to a ministerial post in his own country. In such cases the Substitute simply replaces the Representative who has died or is otherwise unable to be present. The Committee, however, without attempting to resolve the question which is within the competence of the Assembly alone, did consider the problem of the incompatibility which might exist between the functions of a Minister bound by his loyalty to his colleagues, to ministerial solidarity to his colleague who is Minister for Foreign Affairs, who is a member of the Committee of Ministers, and the functions of a Representative, who is a member of the Assembly. It seems to the Committee that the possible advantages or disadvantages of such a dual loyalty, however " indirect " it may be, should be closely studied by the Assembly with a view to finding a solution of what is a delicate problem.

For the moment the Committee has only considered the case in which, as the result of new elections, a Representative loses his seat in his national Parliament in the period between Ordinary Sessions.

To cover this eventuality it seemed to the Committee that a special Rule should be made in respect of the convocation of an Extraordinary Session.

Insofar as it is logical to maintain the status of a titular Representative between two Ordinary Sessions, so as to allow him to take part in the work of Committees to which he has been elected by the Consultative Assembly — and this all the more since, under the terms of Article 25 of the Statute, Representatives are appointed in such a manner as each Government may decide, and therefore may well not be Members of Parliament — it appears equally necessary to make it possible for Member States to revise the list of their Representatives before the opening of an Extraordinary Session.

In the case of an Extraordinary Session, Members will therefore be able to make any changes they consider advisable, subject to notification thereof to the Secretariat-General in accordance with the conditions laid down under Article 6, para. 1, and to the verification of credentials provided for in the following paragraphs of that Article.

Such are the amendments proposed by the Committee to the Articles already examined during the Session of August/September, 1949 : from Article 9 onwards the Committee submits the suggestions it has adopted in respect of Articles which had not previously been examined.

1.2. II. Articles not examined in August-September, 1949

1.2.1. A. The duties of the Bureau

The constitution of the Assembly Bureau is governed by the provisions of Articles 7 and 8. Its powers and duties are specified in Articles 9, 10 and 11.

1.2.1.1. (a) Role of the President (Article 9).

The role of the President of the Assembly gives rise to two problems : one concerns his duties in his capacity as President; the other his replacement in the Assembly itself in his capacity as a Representative.

As far as his duties as President of the Assembly are concerned, only one Amendment has been made by the Committee to the Provisional Rules of Procedure submitted to it. Whereas in the Provisional Rules the President " announced " at the end of one Sitting the date and the hour of the following Sitting, thus possessing to some extent a power of decision in this respect, the Committee has substituted the word " propose " for " announce ", thus leaving to the Assembly the power to decide the date and time of its next Sitting.

With regard to the exercise of his mandate as a Representative, the Committee has referred to Article 28 (b) of the Statute : " The President shall control the proceedings but shall not take part in the Debate or vote. The Substitute of the Representative who is President may sit, speak and vote in his place. "

The Committee has interpreted this Article to mean not only that while the President is sitting his right to take part in the Debate and to vote shall be exercised by the Substitute who replaces him in his capacity as Representative, but that, bound by his office of President during the Sitting over which he is presiding, he may not be replaced in these duties during a Sitting, so as to take his seat again and in his capacity as Representative be able to debate and to vote. In other words, the President cannot suddenly arrange to be replaced during the Sitting over which he is presiding, and it is his Substitute who, in every case, shall exercise his prerogatives as Representative in his stead and place.

1.2.1.2. (b) Replacement of the President.

Article 10 raises only one question : which of the six Vice-Presidents shall be called upon to replace the President if the latter is absent or unable to discharge his duties.

The Committee has abolished the obligation to offer the presidency to the Vice-Presidents " in the order of their election ". By this means it has attempted on the one hand to prevent this prerogative in practice always being exercised by the Vice-President most favoured in the elections, on the other hand to leave to the President free choice between the six Vice-Presidents, either in rotation or having regard to the fact that one among them may be specially well-qualified to preside over a particular Debate.

1.2.1.3. (c) Disciplitiary powers of the President.

Article 11, which deals with this subject, has the dual aim of ensuring that the Debates shall take place in a seemly manner and that the nations represented enjoy the respect which is due to them in any international meeting.

The Committee has proposed a series of sanctions of increasing severity against individual offenders, leaving the least severe sanctions (call to Order, call to Order with the fact being recorded in the Minutes of Proceedings, exclusion for the remainder of the Sitting) to the discretion of the President alone, whereas the most severe censure — involving immediate exclusion from the Chamber for a period of between two and five days may only be proposed to the Assembly, which shall be called upon immediately to vote by sitting and standing after hearing the Representative involved.

When a Representative is thus excluded from the Sitting or from several Sittings, he may not, of course, be replaced by his Substitute for such replacement would result in the sanction being without real effect. On the other hand, the Committee agreed that the Substitute should be able to vote during Debates from which the Representative had been excluded.

The Committee has also proposed a right of censure against insulting expressions. It has given the President the right to have removed from the Minutes of Proceedings and Records of Sittings any expressions which bear an affront to the dignity of peoples — and here the Committee has recorded the fact in such a way as to

give it general application so that it shall apply to all peoples, not only those of Member States representated in the Assembly — or are contrary to the correctness of Debates; and speeches made by Representatives who have not obtained prior permission to speak.

1.2.1.4. (d) Independence of the Assembly.

The provisions of Article 12 on public order in the precincts of the Assembly have been made more stringent in order to prevent any possibility of external pressure being brought to bear on Representatives.

Only Representatives, members of the Committee of Ministers and the staff of the Secretariat, whose duties require their presence there, shall have access to the Chamber.

Only persons bearing a card of authority shall be admitted to the public galleries : they shall remain seated and shall be liable to expulsion if they give any expression of approval or disapproval.

1.2.2. B. Subjects of the Assembly's discussions

Articles 13, 14 and 15, which are concerned with the subjects of the Assembly's discussions, have been examined with particular care by the Committee, which is anxious both to respect the Statute and to extend as far possible the scope of the Assembly's deliberations.

Three stages are involved : provisional inclusion in the Agenda of the Session (Article 13); final inclusion in the Agenda of the Session (Article 14); and inclusion in the Orders of the Day of the Sitting (Article 15).

1.2.2.1. 1. PROVISIONAL INCLUSION IN THE AGENDA OF THE SESSION (ARTICLE 13)

Questions laid before the Assembly for inclusion in its Agenda are of two categories : those which are automatically included in the Agenda, so to speak, " as of right " ; and those which are proposed and are subject to a certain procedure designed to establish whether or not they should be accepted.

(a) Questions included " as of right ".

(i) Reports from the Committee of Ministers :

Article 19 of the Statute lays down : " At each Session of the Consultative Assembly the Committee of Ministers shall furnish the Assembly with statements of its activities, accompanied by appropriate documentation ".

In virtue of this prerogative of the Assembly, the Committee has placed at the head of the Agenda of each Session Reports from thes Committee of Ministers on its activity. This is a definite right which the Assembly possesses vis-a-vis the Committee of Ministers without the need of the latter's prior approval : indeed, the Assembly is vested with the additional right of voting a reply to the Report summarising its observations. (Article 44).

(ii) Questions studied during the previous Session.

The Assembly has the right to include in its Agenda questions referred back to Committee during its previous Session and which have not yet been fully examined.

(iii) Questions submitted by the Committee of Ministers.

The inclusion in the Agenda of questions submitted for opinion to the Assembly by the Committee of Ministers is an act independent of the Assembly and only requires a formal mention in the Rules of Procedure : it may not be refused by the Assembly.

Under the terms of Article 14, requests for opinion from the Committee of Ministers shall be printed, circulated and included in the Agenda.

(b) Questions proposed for inclusion.

Apart from the questions which are automatically included in the Agenda and which have been mentioned above, the Assembly may debate new questions proposed by Representatives, which have been considered by the Assembly or the Standing Committee and have been approved by the Committee of Ministers before their inclusion in the Agenda of the Session.

1.2.2.2. 2. PROPOSALS FOR INCLUSION IN THE AGENDA

The Committee has thought it its duty to show extreme caution with regard to the proposals which may be submitted for consideration by the Assembly. On the one hand, it fears that the inclusion in the Agenda of a large number of questions may make it difficult to examine with sufficient thoroughness certain problems of over-riding importance : on the other hand, it feels that there is a danger that questions may be unexpectedly brought up in in the course of the Session and thus interfere with that proper organisation of Debates which is so necessary.

These considerations require that conditions of both form and time must be satisfied :

(i) Conditions of form.

Any Proposal for the inclusion of a question in the Agenda must be presented in writing and supported by ten Representatives to the Assembly. In this the purpose is to ensure that to some extent a collective consultation takes place before a Proposal is presented and to protect the Assembly from Proposals which have the support of one Representative alone.

(ii) Conditions of time.

It may be easily imagined that Representatives who have collected the ten signatures required may wish to lay before the Assembly their Proposals for inclusion in the Agenda, either at the beginning of a Session, or during the Session, or at the end of a Session so as to have the question examined during the following Session, or, finally, between two Sessions.

The Committee's purpose has been to determine the exact procedure to be followed in each of the above cases, if the Proposals are to be acceptable.

(a) Beginning of the Session.

In order to be considered as laid before the Assembly at the beginning of the Session, a Proposal for inclusion in the Agenda must be presented during the first five days of the Session.

In this case, the Proposal is to some extent privileged : the Assembly may vote for it to be taken into consideration before consultation with the Committee of Ministers. Under Article 23 of the Statute, the Committee of Ministers is called upon to approve inclusion of a question in the Agenda of the Assembly " on the proposal of the latter ", and it is thus inevitable that a Proposal shall be " taken into consideration " by the Assembly before its approval by the Committee of Ministers. To this de jure reason may be added one which is de facto : the Committee of Ministers meets concomitantly with the Assembly during the first days of the Assembly and hence the first formal approval given by the Assembly after taking the Proposal into consideration will allow the Committee of Ministers in turn to give its opinion without delay.

(b) During the Session.

Once the first five days have passed, the Proposal for inclusion in the Agenda shall be considered as having been made during the Session.

To avoid unexpected interventions which might overload the Debates previously planned,, while at the same time making it possible for Representatives to discuss any questions which may arise our of the work of the Session, the Committee suggests a double safeguard : in the first place, approval by the Bureau of the Assembly by a majority of two-thirds of its members; in the second place, approval by the Chairman of the Committee of Ministers before the Assembly takes the Proposal into consideration.

The Committee considered that the urgency and gravity of a new question to be included in the Agenda during the Session would be correctly judged by the Bureau, and that the fact that only a two-thirds majority is required will- prevent its opinion from being expressed as a sort of veto.

Moreover, the Committee considered that in respect of a new Proposal made during the course of the Session it was desirable for the Assembly to know the observations and objections which the Chairman of the Committee of Ministers might wish to make, before proceeding to take such a Proposal into consideration.

To sum up, unlike Proposals for inclusion in the Agenda which are laid before the Assembly during the first five days of the Session — Proposals which the Assembly may vote to take into consideration immediately — the Committee believes that later Proposals considered as being made during the Session should not be voted to be taken into consideration until after a certain procedure has been complied with, which involves obtaining the approval, on the one hand, of the Assembly Bureau and, on the other, of the Chairman of the Committee of Ministers.

(c) End of the Session.

Towards the end of the Session its normal progress can no longer be disturbed since Proposals submitted are eligible for inclusion in the Agenda of the following Session only.

Hence the double safeguard devised for Proposals made during the Session is no longer justified. On the contrary, the procedure must be speedy so that the Assembly may pronounce on such Proposals before the Session comes to an end. For this reason, the Committee suggests that in this case Proposals for inclusion in the Agenda must be presented in the eight days preceding the closure of the Session and that the Assembly shall vote to take them into consideration at the latest three days before the end of the Session.

(d) Between Sessions.

Between Sessions the Standing Committee represents the Assembly.

The Committee considered that between Sessions Representatives who wished a question to be included in the Agenda of the following Session should address to the President of the Assembly, at least two months before the opening of the Session, a Proposal to that effect, bearing the signatures of three Representatives.

The President shall submit this Proposal to the Standing Committee, who will decide by a majority of two-thirds of the members present and voting whether the Proposal shall be transmitted to the Committee of Ministers.

To sum up, Proposals for inclusion in the Agenda shall be presented during Sessions through the Assembly, between Sessions through the Standing Committee. In both cases the procedure envisaged requires that they shall be " taken into consideration ".

1.2.2.3. 3. PROCEDURE FOR TAKING INTO CONSIDERATION PROPOSALS FOll INCLUSION IN THE AGENDA

When a Proposal is to he taken into consideration by the Assembly, the President immediately transmits it to the Chairman of the Committee of Ministers for information, proposes to the Assembly the date on which it shall be taken into consideration and informs the Assembly if necessary — that is to say, " if there are any " — of the objections or comments made on the subject by the Committee of Ministers or its Chairman.

A Proposal may not be taken into consideration by the Assembly unless it has received the support of two-thirds of the Representative present and voting.

When a Proposal is to be taken into consideration by the Standing Committee — which involves the Proposal being also transmitted to the Committee of Ministers—it must receive the support of two-thirds of the members of that Committee who are present and vote.

Such is the procedure laid down in Article 13 for " the consideration " of Proposals, in other words, for sifting through them with a view to establishing a list of those which may be discussed because they fall " within the aim and the scope of the Council of Europe " — in the words of Article 23 of the Statute. At this stage, however, such questions only may be discussed : they are included in the " provisional " Agenda, which thereafter becomes the final Agenda.

1.2.2.4. 4. FINAL SETTLEMENT OF THE AGENDA (ARTICLE 14)

The final settlement of the Agenda of the Session presupposes — by virtue of Article 23 of the Statute — the prior approval of the Committee of Ministers. Such approval, however, may be tacit : that is to say, the Committee's approval may be taken for granted if it makes no comment on any particular question proposed for discussion by the Assembly and included in the provisional Agenda.

The final Agenda of the Session is fixed at the beginning of the Session. A provisional list of questions to be included in the Agenda is communicated to Members at the same time as the date of the opening of the Session. If necessary, an additional list is communicated to the Assembly on the first day of the Session.

The Assembly then settles the order in which the questions shall be discussed; and the Agenda, now in its final form, is printed and distributed.

The Agenda adopted by the Assembly cannot be further amended during the Session unless the Chairman of the Committee of Ministers has given a favourable reply to proposals made by the Assembly during the Session.

1.2.2.5. 5. INCLUSION IN THE ORDEBS OF THE DAY OF SITTINGS (ARTICLE 15)

After the final Agenda of the Session has been fixed, it is necessary to determine the order in which questions shall be debated, in other words, the subjects which shall be discussed during each Sitting.

Orders of the Day of Sittings are proposed to the Assembly by the President. In the Committee's opinion the will of the Assembly must prevail and may over-ride the President's proposals : in other words, the Assembly may, by a simple majority, re-establish in the Order fo the Day of the Sitting a question which the President has thought fit to delete or to refer it for examination to a later Sitting.

The Assembly evidently may not debate a question which does not figure in the Order of the Day which has been approved for the Sitting in question.

Such is the procedure for initiating Debates in the Assembly. Examination must now be made of the provisions governing the conduct of Debates.

1.2.3. C. Rules of Procedure governing Debates in the Assembly

1.2.3.1. 1. Languages used

Debates in an international assembly cannot be properly conducted in the absence of precise rules governing the languages which are to be employed : such Rules appear in articles 16, 17 and 18.

The official languages used during Sittings of the Assembly shall be French and English, with a simultaneous interpretation into either official language. All documents shall be produced in both an English and a French text (Article 16). Speeches may, however, be made in a language other than the official languages, in which case the speaker is responsible for ensuring a consecutive interpretation into one of the official languages, which shall be simultaneously interpreted into the other official language (Article 17).

In Committee, a consecutive interpretation from one official language into the other shall be made when it is considered necessary. A Representative who speaks a language other than one of the official languages may, however, be authorised to use an interpreter. In such cases, his speech shall be interpreted into one only of the two official languages, unless one of the members of the Committee expressly requests that a further interpretation shall be made into the other official language (Article 18)

1.2.3.2. 2. Publicity

In order to give the maximum influence and effect to the Debates of the Assembly, they must be made known not only to Representatives but also to the general public outside the Assembly.

Article 19 lays down that Sessions of the Assembly shall be open to the public unless the Assembly decides otherwise, but, on the other hand, that the public shall not be admitted to mettings of Committees.

The provisions of Article 20 make it possible for Representatives to revise the record of conclusions reached at the immediately preceding Sitting. The Minutes of Proceedings of a Sitting recording decisions of the Assembly shall be laid in draft on the table half an hour before the following Sitting. At the beginning of the Sitting, Representatives may submit their comments on the draft for the Assembly's consideration, but, if there

are no comments, the Minutes of Proceedings shall be considered as adopted. The Minutes of Proceedings shall be signed by the President and the Clerk (the title adopted under Article 47), printed and preserved in the archives of the Assembly. Article 21 governs the form in which records of Debates shall be kept.

The Committee felt that two categories of records should be kept of Debates in theAssombly : in the first place, a summary record, containing a precis of the discussion, is to be published within as short a period as possible, in both official languages, in order to serve as a working document for the Representatives; and, secondly, a verbatim record, containing a reproduction in toto of the speeches made, which will be open to correction by the speakers. The Committee, being anxious that this verbatim record should be published within as short a delay as possible, has provided that the records of their speeches shall be communicated to the speakers concerned and that the latter shall be required to return them to the Secretariat at the latest at the end of the day following that on which they were distributed (Article 21)

1.2.4. D. Debates in Assembly

On the proposal of the President, the Assembly shall fix the date and time of Sittings (Article 22); the Representatives shall sign the register of attendance (Article 23); and, immediately after the adoption of the Minutes of Proceedings of the previous Sitting, the President shall inform the Assembly of any communications which he considers necessary (Article 24). The Assembly shall then proceed to debate the items on the Order of the Day established for the Sitting in question.

The good conduct of a Debate requires that there shall be certain rules governing the right to speak and the order of proceedings.

1.2.4.1. 1. Right to speak

Before the right to speak can be exercised, the President's authorisation must be obtained. This may be requested in two ways; either by Representatives entering their names before the opening of a Sitting in a book provided for the purpose, or by requesting the right to speak in the course of a Sitting.

The Committee were of the opinion that the Debates would run more smoothly if speakers who entered their names before the Sitting were regarded as being entitled to a certain preferential treatment. The Representatives who have entered their names beforehand have an absolute right to speak unless the Sitting is closed by the Assembly under the terms of Article 31 of the Rules of Procedure. The Committee, however, recognised that the President has the right to depart from the order in which Representatives have entered their names, and also to call upon speakers alternately for and against the Proposal under discussion.

On the other hand, in cases where a request to speak is made during a Sitting, it has been laid down that, although in principle the President should grant the request, he is under no actual obligation to do so.

For the same purpose of ensuring the smooth running of Debates, it has been, also decided that the President is authorised to call a speaker to order if he is irrelevant, and, after calling him to order twice, to forbid him to speak during the rest of the Debate on. the same subject; that, with the exception of members of the Committee of Ministers and of the Rapporteur(s), no person may speak more than once on the same subject without express permission from the President; finally, that a speech which has not been completed at the end of' a Sitting may not be resumed at the following Sitting (Article 26).

In the same context certain other rules have been adopted: limitation of the length of speeches for certain kinds of Debates (Article 29); limitation of the number of speakers for certain Debates (Article 30); provisions governing the conditions in which Representatives move that a Debate be closed, or in which the Bureau may propose to the Assembly at the opening of a Debate that a date and time be fixed in advance for its closure (Article 31).

1.2.4.2. 2. Course of Debates

Every Debate is concerned with one principal question but, before a final vote is taken on the relevant text, the discussion may be enlarged to cover amendments which have been proposed, and special requests which have been made and which may be entitled to priority of treatment.

(a) The principal question.

The Committee has provided that the principal question shall be examined in three stages; first, a General Debate exclusively concerned with the principle of the question under discussion; secondly, reference of the question to Committee; finally, on receipt of the Committee's Report, a second Debate followed by a vote.

It has been concerned to ensure that sufficient time elapses between the receipt of the competent Committee's Report and the final Debate, and has therefore laid down that the latter shall begin not less than 48 hours, after the distribution of the Report, in order to give speakers time to prepare their comments and to submit any amendments to the original text (Article 27).

(b) Amendments.

Adopting the same principle as in the case of the principal question, the Committee has laid down that any Amendment other than an Amendment of form must in the first place be examined in Committee; the reference of an Amendment to Committee does not, necessarily interrupt the main Debate.

In order to enable the relevant Committee to consider such Amendments, it has been decided that they must be submitted not less than 24 hours before the Debate on the Report, unless the Assembly decides otherwise by a vote by sitting and standing (Article 28).

Thus, any Representatives proposing to put forward an Amendment will be in possession of the Report at least 48 hours before the opening of the Debate thereon (Article 27) and will have 24 hours in which to draft and submit their Amendments, since the latter do not have to be submitted until 24 hours before the said Debate opens (Article 28). Since such Amendments are un principle referred to Committee unless the Assembly decides to the contrary, a somewhat long period of time will in fact elapse before they can be discussed by the Assembly.

(c) Priorities.

The Committee has given urgent requests — points of order, motions of order, proposals for adjournment, dilatory motions, requests for closure — precedence over discussion of the principal questions, since the Debates may thereby be suspended, but has stipulated that personal statements may only be heard at the end of a Sitting (Article 26).

The discussion of urgent requests must not be allowed to interrupt the examination of the principal question, and for this reason the lenght of speeches in such discussions is strictly limited !(Articles 29, 30 and 31).

(d) Voting in the Assembly.

The vote at the end of a Debate involves first that a certain quorum be present, without which the results is not valid and binding; secondly, that the specified voting procedure be correctly observed; thirdly, that the required majority be obtained.

(i) Quorum

A quorum requires the presence of a majority of the Representatives.

This quorum shall not be called in question unless requested, and any vote — other than one by roll call as a result of which it is found that the quorum is not present — is valid whatever the number of voters if the Bureau has not been requested before the vote is taken to ascertain the number of those present; in case of doubt, the roll shall be called and if the result shows that the quorum is not present the vote shall be put back until the next Sitting.

(ii) Voting Procedure

The right to vote is an individual one and each Representative has one vote only (Article 33). This right to vote may be exercised either by the Representative himself or by his Substitute appointed in accordance with the provisions of Article 36. This procedure had already been laid down by the Assembly during the 1949 Session and it is necessary only to refer to it here.

If a Representative is prevented from attending a Sitting of the Assembly, he may arrange to be replaced by a Substitute of the same nationality. He must give notice to the President, but is not obliged to state the reasons for his absence. The President shall in turn inform the Assembly.

If a Representative is prevented from attending a meeting of a Committee, he may arrange to be replaced by another Representative or by a Substitute of his own nationality. He must give notice to the Chairman of the Committee, who in turn will inform the Committee. A Representative who is unable to attend several Committee meetings must always be replaced by the same Representative or by the same Substitute.

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

The Committee considered whether it should be necessary that Substitutes should be of the same nationality as the Representatives whom they replace, but came to the conclusion that it was not competent l;o take any decision in the matter.

As a general rule, the Assembly shall vote by show of hands, but, in case of doubt, the President shall call for a vote by sitting and standing. On any question, however, when ten Representatives so desire, the vote shall be taken by roll call, and this procedure shall be compulsory, even when it has not been requested, in the case of a final vote on Resolutions and Recommendations.

(iii) Majorities

The majority required varies according to the subject.

In the case of appointments — subject to the special provisions of Article 8 governing the election of the members of the Bureau of the Assembly, a simple majority is required at the first ballot and a relative majority at the second.

In the case of Resolutions — a simple majority of the votes cast. However, for the inclusion of a question in the Agenda, the establishment of a Committee, a decision with reference to the date of opening of an Ordinary Session, a two-thirds majority of the votes cast is required.

Finally, in the case of Recommendations — a two-thirds majority of the votes cast will always be required.

Thus, an Assembly decision is only valid if the quorum is present, and, if necessary, verified; if the votes are cast in a regular manner, and if the appropriate majority is obtained for the type of decision in question.

1.2.5. E. Committees

The Committee on Rules of Procedure and Privileges has confirmed the existence of the six Committees which the Assembly had agreed to set up at its 1949 Session, and has also laid down the provisions governing the establishment of the Standing Committee which it had been decided to create during that Session.

1.2.5.1. 1. Committees

The Committee considers it necessary to redraft the provisions governing the number of members of each Committee and to leave it to the Assembly to fix the numbers involved and also the number of seats in each Committee to be assigned to each Member State. The Committee was of the opinion that although a two-thirds majority should be necessary for the establishment of new Committees, whether general or specialised (that is to say, created for specific purposes), once these Committees had been established, the number of members of each should be decided by a simple majority vote. It expressed a preference for the election of members of Committees by the Assembly itself, and not by the national delegations as has been the case hitherto, it being understood that Members would continue to be entitled to representation in all the Committees.

The Committee wishes to propose an alteration in the French version of its title, the word " Privileges " having a significance which is not altogether suitable when applied to a democratic institution. It suggests that the French title should in future be " Commission du Reglement et des Prerogatives ", which may be considered better suited to actual circumstances. The title in English would remain unchanged as the word " Privileges " has a special and appropriate parliamentary meaning.

In this connection it is pointed out that the Committee did not take any decision regarding the terms of the only Article which deals with this question of privileges (French — prerogatives), namely, Article 48 — Raising of Parliamentary Immunity.

Having regard to Article 40 of the Statute, the Committee felt that the question of privileges (French — prerogatives) should in the first place he more closely studied by the Assembly itself, before provision is made for it in the Rules of Procedure.

The Committee considered, however, that in the meantime it would be advisable to grant Representatives the necessary facilities for carrying out their European mission and to give the Council of Europe a means of pursuing its activities in some financial independence of the individual Governments. It therefore suggests that

Representatives should be furnished with a diplomatic passport and a travel permit for use on all railways of Member States of the Council of Europe, in order to encourage more frequent meetings between them and to give greater practical evidence of the existence of a European community. It suggests also that a special fund, governed by an agreed budget should be established for the Council of Europe in order to ensure from the financial point of view its existence and independence.

1.2.5.2. 2. Standing Committee

The Committee's main concern was to provide a more flexible procedure for the appointment of the members of the Standing Committee and to give a clear definition of its r61e.

While recognising that the Standing Committee must comprise a certain number of members as of right (President and Vice-Presidents of the Assembly and the Chairman of the general Committees), it was considered that it should be for the Assembly to decide the number of additional members it wished to appoint and the number of seats to be assigned to each Member State. The membership of the Standing Committee would thereby be increased and more equitably distributed.

The Standing Committee will be convened by the President of the Assembly whenever the latter deems it necessary, and at least four times a year. Its r61e is to prepare the Assembly's work for the following Session and, in collaboration with the President of the Assembly, to make the necessary arrangements for convening an Extraordinary Session or to settle any question arising from the Agenda of the previous Session (Article 37, A).

1.2.5.3. 3. Work of Committees

The Committees are convened by their Chairman or at the request of the President of the Assembly. They elect their Bureau in accordance with the provisions of Article 38 (to be composed of one Chairman and two Vice-Chairmen). They meet both during the Session and between Sessions.

Their task is to study questions referred to them by the Assembly after the General Debate and any Amendments submitted when their Report thereon is discussed. They appoint a Rapporteur for each subject under discussion, whose duty it is express the views of the minority whenever a decision is not unanimously adopted. The Committees may establish Sub-Committees for specific questions.

The Committee was of the opinion that the scope of the Standing Committee was at present too limited and that it should maintain closer and more frequent contact during the intervals between Sessions with. the other Assembly Committees.

Committee meetings are not open to the public. Voting in Committee is governed by the rules which apply to the Assembly, with this difference, however, that, the Chairman of a Committee may take part in the discussions and may vote. Members of the Committee of Ministers may attend meetings of Committees and may speak, but are, of course, not entitled to vote. Representatives and their Substitutes may attend meetings of Committees of which they are not members, but merely as observers and without the right to speak.

The proceedings in Committee are to be recorded by the Secretariat-General in two documents : first, the Minutes of meetings, which record the decisions of the Committee, and contain a brief report of the discussions; secondly, a more detailed summary Report of the discussions, which will be available to Representatives when they wish to see it —• and to Representatives only — but will not be distributed.

Apart from these Minutes and summary Reports, the text of Resolutions and Recommendations which have been adopted and statements which have been issued on the responsibility of the Chairman may alone be published, subject to a contrary decision by the Committee.

It was proposed that certain information concerning the work of Committees might be furnished, on request, to the Governments of Member States, to international organisations such as the 0. E. E. C, and even to other organisations which had been approved by the Bureau of the Assembly ; but that the documents of Committees should be considered confidential and not for distribution. The Committee expressed strong objections, however, to supplying this information to private organisations, and considered that the Bureau should be very strict in giving its approval to specific requests. As far as the Press is concerned, no information will be furnished during Committee meetings except by means of Press Conferences held at their conclusion by Chairmen of Committees : Committee documents will, however, be available for distribution to the Press as soon as their final text has been adopted,

1.2.6. F. Special Procedure

All Assemblies have need of Rules governing requests for urgent procedure : the Consultative Assembly in addition requires Rules governing the relations between the Assembly and the Committee of Ministers, the two constituent bodies of the Council of Europe: and the exercise of the right of petition.

1.2.6.1. 1. Requests for urgent procedure

While recognising that a request for urgent procedure may be submitted in respect of any item on the Agenda for the Session, the Committee limited its purpose to accelerating the General Debate or to stimulating the discussion of a text presented in connection with the Report of a Committee. It has also laid down precisely who shall be entitled to make such a request : namely, the Committee of Ministers, the President of the Assembly, the Committee concerned, with the subject matter of the request, and finally, not less than ten Representatives (Article 40).

Such requests for urgent procedure may be made in two ways :

(i) The request may be made at the beginning of a Session and be concerned with the inclusion of questions in the Agenda of that Session (Article 13). In such cases the request is to some extent " as of right ", and it shall immediately give rise to a Debate limited solely to the arguments for or against the inclusion of the questions involved, or

(ii) the request may refer to questions which do not concern the Agenda of the Session. In such a case, the request shall only be agreed if it is supported by a two-thirds majority of the votes cast, and thereupon the following procedure shall apply : —

a. *If urgent procedure is adopted for an entirely new question, a General Debate shall at once be held, to be followed by a Debate on the Report of the Committee concerned, which will take place not later than at the following Sitting.*

b. *If urgent procedure is adopted for a question which has already been referred to Committee, the Debate shall open not later than the Sitting following the adoption of urgent procedure.*

It will be noted that the Debate may be held oh an oral Report from the Committee.

1.2.6.2. 2. Relations with the Committee of Ministers

The Committee of Ministers may communicate with the Assembly either verbally — since its members have the right of access to the Assembly and the President must grant them a prior right to speak whenever they wish to take part in the Debates (Article 42) — or in writing, all communications from the Committee of Ministers being addressed to the President, who shall immediately bring them to the notice of the Assembly (Article 43).

Formal provision is made in the Rules of Procedure for the following communications between the Committee of Ministers and the Assembly :

In the first place, the Committee of Ministers is required to furnish the Assembly with a Report on its activities, in order that the latter may vote on the text of a reply summarising its observations (Article 44); secondly, the Committee of Ministers may request the Assembly for an opinion (Article 44, A).

A more delicate question concerns the rights of the Assembly with regard to the Committee of Ministers.

Under Article 44, A, in the course of the relevant Debate the Assembly may, at the request of ten Representatives, decide after a delay of 24 hours to invite the Chairman of the Committee of Ministers to furnish the Assembly with explanations on the meaning and purpose of the Committee's request for an opinion. Once such a decision has been taken, the President shall adjourn the Debate and transmit the invitation to the Committee of Ministers. The Debate shall only be resumed when the Committee has informed the Assembly of its reply to the invitation. Shouljl the Committee of Ministers not be in a position to accept the Assembly's invitation, the latter shall decide whether to resume or further adjourn the Debate.

Under Article 45, any Representative may, through the President, address to the Committee of Ministers written questions bearing on items of the Agenda of the Assembly; Article 45, however, merely stipulates that if answers from the Committee of Ministers are received by the Assembly during the course of the Session, they and the questions to which they refer shall be published as appendices to the Official Reports of Debates.

The Committee had before it for examination in this connection a much more far-reaching proposal prepared by the Committee on General Affairs, but in was considered advisable to await the Assembly's opinion thereon before the Committee proceeded to incorporate it in the Rules of Procedure.

1.2.6.3. 3. Right of petition

Finally, it should be mentioned that Article 46 grants a right of petition, which is required to be addressed to the President.

The above is a commentary on the work which the Committee on Rules of Procedure and Privileges has completed in the hope of ensuring that the proceedings of the Assembly shall be conducted with the maximum smoothness and despatch.

Under the authority of the President, and through the Services of Assembly which will be undertaken by a Clerk with the rank of Deputy Secretary-General, appointed by the Assembly and under the authority of the Secretary- General (Article 47), it appears that these Rules of Procedure should be adopted without delay, subject always to the right to amend them on a Proposal to that effect supported by ten Representatives (Article 49).

The only questions which have not been dealt with by the Committee are Article 48 in its original text, concerning the raising of parliamentary immunity, which is involved with the whole general question of privileges (French — prérogatives); and the organisation of the recently-created " Joint-Committee ". Provision cannot be made for these questions in the Rules of Procedure until the Assembly has reached a decision thereon.

Appendix 1 APPENDIX I to the Report of the Committee on Rules of Procedure and Privileges - Provisional Rules of Procedure adopted by the Consultative Assembly during its first Session

PART I - Sessions of the Assembly

ARTICLE 1 - Date and convocation of Ordinary Sessions

The Consultative Assembly shall meet in Ordinary Session once a year on a date determined by it 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.

The President shall send notices of meeting to the Members through the Secretary-General not less than two months before the date fixed for the opening of the Session,

ARTICLE 2 - Date and convocation of Extraordinary Sessions

The Consultative Assembly may be convoked in Extraordinary Session on the initiative of the Committee of Ministers at such time as the Committee, with the concurrence of the President of the Assembly, shall decide.

ARTICLE 3 - Place of Meeting

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 it should be held elsewhere.

Extraordinary Sessions shall be held at such place as the Committee of Ministers, with the concurrence of the President of the Assembly, shall decide.

ARTICLE 4 - Duration

The duration of each Ordinary Session shall be fixed by the Assembly but shall not exceed one month unless both the Assembly and the Committee of Ministers concur.

Extraordinary Sessions shall likewise not exceed one month and shall end when the Assembly has exhausted its Agenda.

PART II - Provisional officers, verification of credentials and permanent officers

ARTICLE 5 - Provisional Officers

At the beginning of each Ordinary Session the oldest Representative present, assisted by the three youngest Representatives, shall discharge the duties of President until the election of the President and other permanent officers has been announced.

No discussion may take place while the oldest Representative is in the Chair unless it is concerned with the election of the permanent officers or with that of the Credentials Committee.

ARTICLE 6 - Verification of Credentials

The credentials of the Representatives and of their Substitutes shall if possible be sent by the Members to the Secretariat of the Council of Europe not less than eight days before the opening of the Session.

Each Representative and Substitute must be a national of the Member he represents, but shall not, at the same time, be a member of the Committee of Ministers.

A Committee of twenty Representatives chosen by lot shall examine the credentials of theRepresentatives and of their Substitutes and shall at once report thereon to the Assembly.

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.

ARTICLE. 7 - Permanent Officers

When the oldest Representative has taken the Chair, the permanent officers shall be v elected in public Session.

The officers of the Assembly shall be the President and four Vice-Presidents.

ARTICLE 8 - Election of officers

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

The President shall be elected by secret ballot at the tribune.

If after two ballots no candidate has received more than half the votes cast, the candidate who on the third ballot receives the largest number of votes shall be declared elected. In the event of a tie the elder candidate shall be declared elected.

The four Vice-Presidents shall be elected by secret ballot at the tribune. Each Representative shall vote on the same ballot paper. Those who on the first ballot receive a number of votes greater than half the number of Representatives casting their votes shall be declared elected. If the number of those so elected is less than the number of vacancies to be filled, there shall be a second ballot in which the candidates shall be those who obtained the greatest number of votes in the first ballot, to the number of twice the vacancies still to be filled. Those who then receive the greatest number of votes shall be declared elected.

Tellers chosen by lot shall count the votes, and the results shall be announced by the President.

As soon as the permanent officers have been elected the oldest Representative shall give way to the elected President.

The President and Vice-Presidents shall remain in office until the opening of the next Session.

PART III - Duties of officers

ARTICLE 9 - President

The duties of the President shall be :

To open, suspend and close Sittings.

To announce at the end of each Sitting the date, time and Agenda of the next Sitting.

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.

To refer business to the appropriate Committees.

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

The President shall inform the Committee of Ministers through the Secretary-General of resolutions adopted by the Assembly in the form of Recommendations.

ARTICLE 10 - Vice-Presidents

If the President is absent or unable to discharge his duties, the Vice-Presidents shall replace him in the order of their election.

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

ARTICLE 11 - Maintenance of Order

The President shall call to Order any Representative who departs from it. If the offence is repeated, the President shall again call the Representative to Order and cause the fact to be recorded in the Proceedings.

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

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.

The vote of censure shall be taken without debate, by a vote in which the President shall call on the Ayes to stand, and then on the Noes.

The President may cause words which he judges to he out of Order to be deleted from the Proceedings and Records.

ARTICLE 12 - Public Order in the Chamber and Galleries

No person shall enter the Chamber for any reason, except those provided with a card of authority duly issued by the President or by the Secretary-General and those members of the staff whose duties require their presence there.

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.

PART IV- Agenda

ARTICLE 13 - Proposals for inclusion in the Agenda of Sessions

The Agenda of each Session shall include :

1. Questions referred to the Assembly for an opinion, by the Committee of Ministers.
2. Questions whose inclusion in the Agenda has been approved by the Committee of Ministers on the proposal of the Assembly.

The following rules shall apply in connection with questions referred to in sub-paragraph (2) above.

a. Immediately after the election of its officers, the Assembly shall debate Proposals for the inclusion of items in the Agenda of the current Session. The Assembly shall adopt any such Proposals in final form within three days of the opening of the Session, unless the President, after consultation with the Chairman of the Committee of Ministers, decides otherwise :

b. Proposals for the inclusion. of items in the Agenda of the following Session must be laid at least eight days before the date fixed for the Closure of the current Session and must be taken in sufficient time to enable the Assembly to adopt them in final form at least five days before the end of the Session.

c. Any Proposals for the inclusion of an item in the Agenda must be sponsored by ten Representatives.

d. Proposals made by Representatives between Sessions for the inclusion of items in the Agenda of the next Session must be sent to the President at least three months before the opening of the Session. Any such proposals must be sponsored in writing by ten Representatives. The President shall circulate such Proposals to all the Representatives. If he receives the written approval of two-thirds of the Representatives, he shall transmit the Proposal through the Secretary-General to the Committee of Ministers at least two months before the opening of the Session.

ARTICLE 14 - Final Settlement of the Agenda

When the officers have been elected, the President shall communicate to the Representatives a first provisional Agenda, which shall consist of questions approved by the Committee of Ministers for inclusion in the Agenda.

As soon as possible after the Closure of the Debate held in accordance with the provisions of Article 13 (a), a second provisional Agenda shall be communicated to the Assembly, consisting of questions submitted to the Committee of Ministers in accordance with the provisions of the same Article and approved for inclusion in the Agenda as well as those which appeared in the first provisional Agenda.

The Assembly shall then settle the order in which the questions shall be discussed, and without prejudice to Article 23 (a) (i) of the Statute, the Agenda so established shall be final. The Agenda shall be printed and circulated.

Requests for an opinion received from the Committee of Ministers shall also be printed and circulated and included in the Agenda in accordance with the provisions set out in Article 13 above.

ARTICLE 15 - Agenda of Sittings

The Agenda of Sittings shall be announced by the President in accordance with the provisions of Article 9.

The Assembly may not discuss questions which do not appear on the Agenda of the Sitting.

PART V - Use of languages

ARTICLE 16 - Official languages.

The official languages of the Assembly shall be English and French.

All documents of the Assembly shall be drawn up simultaneously in both official languages.

ARTICLE 17 - Debates in the Assembly

Speeches delivered in one of the official languages shall be translated into the other.

Speeches may be made in a language other than the official languages; there shall be a consecutive interpretation into one of the official languages, which shall be simultaneously interpreted into the other official language.

ARTICLE 18 - Meetings of Committees

If in Committee a translation is necessary there shall be consecutive interpretation from one official language into the other.

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.

PART VI - Publicity of Debates

ARTICLE 19 - Publicity

Unless the Assembly decides otherwise, the Debates of its plenary Sessions shall be public.

The public shall not be admitted to meetings of Committees.

ARTICLE 20 - Proceedings

The Proceedings of the previous Sitting, including the decisions of the Assembly, shall be laid on the Table half an hour before the following Sitting.

At the beginning of the Sitting Representatives may comment on the draft, and the Assembly shall take note.

If there are no comments the Proceedings shall be considered adopted.

The Proceedings shall be printed, signed by the President and the Clerk, and preserved in the archives of the Assembly.

ARTICLE 21 - Record of Sittings

There shall be a verbatim record, which shall be published, if possible after each Sitting and, in any event, daily.

PART VII - Organisation of Sittings and of discussions in plenary Sessions

ARTICLE 22 - Time-table of Sittings

Without prejudice to the right of the President to vary the time-table, the times of plenary Sittings shall normally be as follows :

Mondays, Tuesdays, Wednesdays; 3.30 p.m. to 7.0 p.m.

Thursdays : 9.30 a.m. to .1.2 noon : 3.30 p.m. to 7.0 p.m.

Fridays : 3.30 p.m. to 7.0 p.m.

Saturdays : 9.30 a.m. to 12 noon.

A Debate which has not been completed at. the end of a Sitting shall be adjourned to the next Sitting, together with any other oustanding business.

ARTICLE 23 - Register of Attendance

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

ARTICLE 24 - Communications to the Assembly

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

ARTICLE 25 - Right to speak

Representatives desiring to speak may put their names down in a book which the President shall provide for the purpose. No Representative may speak unless he has been called by the President.

The President may depart from the order in which Representatives have expressed the desire to speak and call on speakers alternately for and against the Proposal under discussion.

Representatives shall speak from their places; the President or the Assembly may request them to come to the tribune.

Representatives shall address the Chair.

If a speaker is irrelevant, the President may call him to Order. If a speaker is called to Order for irrelevance three times in the same discussion, on the third occasion the President shall decide whether he should be forbidden to speak on the same subject during the rest of the discussion.

No Representative may speak more than once on the same subject without permission from the President. Members of the Committee of Ministers and Rapporteurs on a question on the Agenda may however speak whenever they wish.

A speech which has not been completed at the end of a Sitting may not be resumed at the following Sitting.

ARTICLE 26 - Priorities

A Representative may always be heard :

1. To make a point of Order; there can however be only one point of Order with respect to any one concurrence;
2. To propose the adjournment; the adjournment can be proposed only once in the course of a Debate;
3. To propose a dilatory Motion; (
4. To propose the Closure; These shall take precedence over the principal question, the discussion of which shall be suspended while they are being considered.

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

ARTICLE 27 - Order of Debates

The discussion of a question shall involve two readings, namely a general discussion and an examination of the text in detail.

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

The examination of the text in detail shall take place on the Report of the competent Committee. It shall not begin less than two days after the distribution of the Report.

After the examination has been concluded, only explanations of vote may be made before the final vote on the Resolution.

ARTICLE 28 - Amendments

Any Representative may propose and argue Amendments.

Amendments must be drawn up in writing, laid on the Table and distributed. Unless they are of a purely drafting nature, they must be laid not less than twenty-four hours before the beginning of the second Reading.

The reference of an Amendment to the Committee shall not necessarily interrupt the main Debate.

ARTICLE 29 - Length of Speeches

No Representative may speak for more than five minutes on any of the following :

Comments on the Proceedings

Points of Order

Settling of the Agenda

Proposals by the officers to limit the length of Debates

Requests for urgent procedure

Requests for adjournment

Dilatory Motions

Personal statements

The Closure

Explanations of vote.

The officers of the Assembly may propose limit to the length of speeches in a particular Debate.

ARTICLE 30 - Limitation of the number of Speakers in certain Debates

In Debates relating to requests for urgent procedure, for adjournment, or for dilatory Motions the following only shall be heard :

the proposer of the Motion, one speaker against the Motion, the Representatives of the Committee of Ministers, the Chairman or Rapporteur of the Committee.

ARTICLE 31 - Requests for Closure

A request for Closure must be sponsored by ten Representatives.

One speaker only may be heard against the Closure.

The Assembly shall decide, without debate by a vote in which the President shall call on the Ayes to stand, and then on the Noes.

The officers of the Assembly may propose that a date be fixed for the Closure of a Debate.

PART VIII - Voting

ARTICLE 32 - Majorities

Elections other than those for the Presidency, shall be conducted under the rules for the election of Vice-Presidents, set out in Article 8 above.

Appointment shall be made by a simple majority of those present and voting.

ARTICLE 33 - Right to vote

The vote is an individual one; each Representative shall have one vote.

ARTICLE 34 - Quorum

The Assembly cannot adopt any Resolution unless the majority of Representatives are present.

If the quorum is called in question, the roll shall be called.

If the result shows that the quorum is not present, the Division shall be put back until the next Sitting.

Once a question has been put, the necessary quorum shall be deemed to be present and the result shall not be called in question whatever the number of votes cast.

ARTICLE 35 - Methods of Voting

Normally the Assembly shall vote by show of hands.

If the result of the show of hands is doubtful, the President shall call on the Ayes to stand, and then on the Noes.

When ton Representatives so desire, the vote shall be taken by roll call on any question for which another method of voting is not expressly provided. The final vote on Resolutions shall also be taken by roll call.

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

ARTICLE 36 - Substitutes

If a Representative is prevented from attending a meeting of the Assembly, he may arrange to be replaced by a Substitute of the same nationality.

He must give notice to the President, who will in turn inform the Assembly.

If a Representative is prevented from attending a Committee meeting, he may arrange to be replaced by another Representative or by a Substitute of his own nationality.

He must give notice to the Chairman of the Committee who, in turn, will inform the Committee.

A Representative who is unable to attend several Committee' meetings must always be replaced by the same Representative or by the same Substitute.

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

PART IX - Committees

ARTICLE 37 - Establishment of Committees

At the beginning of each ordinary Session the Assembly shall establish the following general Committees :

The Committee on Rules of Procedure and Privileges.

The Committee on General Affairs.

The Committee on Economic Questions.

The Committee on Social Questions.

The Committee on Cultural and Scientific Questions.

The Committee on Legal and Administrative Questions.

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

The number of Members for each Committee shall be 23 for the Committee on General Affairs, Economic Questions and Legal and Administrative Questions, and 18 for the other Committees.

Any two or more Committees may hold joint meetings for the examination of subjects coming within their joint competence.

A Committee may set up Sub-Committees composed of its own Members.

In the three Committees of 23 Members, there will be three Representatives of France, Italy and the United Kingdom; two Representatives of Belgium, Greece, the Netherlands, Sweden and Turkey; one Representative of Denmark, the Irish Republic, Luxembourg and Norway.

In the three Committees of 18 Members, there will be three Representatives of France, Italy and the United Kingdom and one Representative of Belgium,. Denmark, Greece, Ireland, Luxembourg, Holland, Norway, Sweden and Turkey.

Proposals for the composition of Committees must be addressed to the Bureau. The Bureau will submit the list which it has prepared for ratification by the Assembly.

ARTICLE 38 - Officers

Each Committee shall elect a Chairman and one Vice-Chairman.

ARTICLE 39 - Work of Committees

A Committee shall meet when called together by its Chairman or at the request of the President of the Assembly.

A Committee shall deal with questions referred to it by the Assembly after first Reading. It shall appoint a Rapporteur for each subject under discussion. If a Committee is not unanimous, its Report shall indicate the views of the majority and of the minority.

The rules adopted by the Assembly with regard to quorum and voting shall be equally valid in Committee.

PART X - Urgent Procedure

ARTICLE 40 - Requests for urgent procedure

Urgent, procedure may be requested for any item on the Agenda of the Session.

A request in respect of both first and second Readings may be made to the Assembly by the Committee of Ministers or by 10 Representatives.

A request in respect of the second Reading only may be made to the Assembly by the Committee of Ministers, by the competent Committee or by 10 Representatives.

ARTICLE 41 - Urgent procedure

The President shall inform the Assembly that a request for urgent procedure has been made.

The Debate on the request must be placed at the top of the Agenda for the next Sitting.

The adoption of urgent procedure shall require a two-thirds majority of those present and voting.

When urgent procedure has been adopted for a first Reading, the General Debate shall be opened immediately and not more than twentyfour hours may elapse between first and second Readings.

For a second Reading, the Debate shall be opened immediately, if the Committee is ready to report.

If the Committee is not ready, the Debate must be placed at the top of the Agenda for the next Sitting; it may take place on an oral Report from the Committee.

Proposals for the inclusion of questions in the Agenda of the current Session in accordance with Article 13, paragraph (2) sub-paragraph (a), must be dealt with under urgent procedure. The Debate may oidy include arguments for or against the inclusion of the question in the Agenda.

PART XI - Relations betwen the Committee of Ministers and the Assembly

ARTICLE 42 - Access to the Assembly

The members of the Committee of Ministers shall have the right of access to the Assembly. If they wish to take part in Debates, the President shall give them a prior right to speak whenever they wish to intervene. They may not vote.

The members of the Committee of Ministers may speak in Committees of the Assembly whenever they wish.

ARTICLE 43 - Communications from the Committee of Ministers to the Assembly

All communications from the Committee of Ministers shall be addressed to the President, who shall immediately bring them to the notice of the Assembly.

ARTICLE 44 - Reports of the Committee of Ministers

Reports on its activities furnished to the Assembly by the Committee of Ministers, in accordance with Article 19 of the Statute shall be printed and distributed.

ARTICLE 45 - Written questions

Representatives may address written questions bearing on items of the Assembly's Agenda to the Committee of Ministers.

Written questions shall be laid on the Table. The Secretary-General shall ensure that they are transmitted to the Committee of Ministers.

PART XII - Petitions

ARTICLE 46 - Eligibility and Examination of Petitions

Petitions must be addressed to the President.

In order to be entertained, they must :

1. show the names, attributes and permanent addresses of the petitioners. The petitioners must cause their signatures to be authenticated in accordance with the internal legislation of the State in which they reside.
2. bear on questions which fall within the competence of the Council of Europe. The officers of the Assembly shall examine the eligibility of petitions with the Secretary- General.

Petitions which may be entertained shall be

referred by the officers to the competent Committees, when they bear on an item of the Agenda.

referred by the Secretary-General to the Committee of Ministers when they bear on a question not included in the Agenda.

PART XIII - Clerks and Assembly Services

ARTICLE 47 - Clerks

The service of the Assembly shall be undertaken by a Clerk's Department whose staff shall be placed at the disposal of the Assembly by the Secretary-General.

PART XIV - Miscellaneous provisions

ARTICLE 48 - Raising of Parliamentary Immunity

Requests for permission to take legal action against Representatives shall be addressed to the President of the Assembly. They must be accorded urgent procedure as provided in Article 40 above.

Requests shall be referred without debate to the competent Committee.

The Report of the Committee shall be placed on the Agenda for the first day on which there is a Sitting after its submission.

The Debate on this Report may only include arguments for or against the granting of permission.

ARTICLE 49 - Revision of the Rules

Proposals for Resolutions on Amendments to the Rules must be sponsored by 10 Representatives. They - shall be referred without debate to the competent Committee which shall report on them as provided in Article 39.

The Report of the Committee shall be placed on the Agenda in accordance with Article 14. The Debate shall be concerned with the texts only.

PART XV - Transitional Provisions

ARTICLE 50 - Appointment of the Provisional President

For the first ordinary session of the Assembly, and in derogation of Articles 5, 7 and 8 above, there shall be a provisional President nominated in accordance with Article 3 (h) of the Agreement of May 5th 1949.

Appendix 2 APPENDIX II to the Report of the Committee on Rules of Procedure and Privileges - Draft Rules of Procedure Submitted by the Committee on Rules of Procedure and Privileges

PART I - Sessions of the Assembly

ARTICLE 1 - Date and convocation of Ordinary Sessions

The Consultative Assembly shall meet in Ordinary Session once a year, on a date to be determined by it, 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.

The President shall send notices of the meeting to the Members through the Secretary- General in such a way that, except in cases where this is not possible Representatives and their Substitutes may be notified personally, not less than two months before the date fixed for the opening of the Session.

ARTICLE 2 - Date and convocation of Extraordinary Sessions

The Consultative Assembly may be convoked in Extraordinary Session on the initiative of the Committee of Ministers at such time as the Committee, with the concurrence of the President of the Assembly, shall decide.

ARTICLE 3 - Place of Meeting

Ordinai'y 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 it should be held elsewhere.

Extraordinary Sessions shall be held at such place as the Committee of Ministers, with the concurrence of the President of the Assembly, shall decide.

ARTICLE 4 - Duration

The duration of each Ordinary Session shall be fixed by the Assembly but shall not exceed one month unless both the Assembly and the Committee of Ministers concur.

Extraordinary Sessions shall be terminated when the Agenda is exhausted.

PART II - Provisional Bureau, examination of credentials and permanent Bureau

ARTICLE 5 - Provisional Bureau

At the beginning of each Ordinary Session the oldest Representative present, assisted by the three youngest Representatives, shall discharge the duties of President until the election of the President and other members of the permanent Bureau has been announced.

No discussion may take place while the oldest Representative is in the Chair unless it is concerned with the election of the permanent Bureau or with that of the Credentials Committee.

ARTICLE 6 - Examination of Credentials

The credentials of the Representatives and of their Substitutes shall be sent by the Members on a form which shall be forwarded to them by the Secretary-General and which should be returned if possible not less than eight days before the opening of the Session to the Secretariat- General of the Council of Europe.

Each Representative and Substitute must be a national of the Member he represents, but shall not, at the same time, be a member of the Committee of Ministers.

A Committee of twenty Representatives chosen by lot shall examine the credentials of the Representatives and of their Substitutes and shall at once report thereon to the Assembly.

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.

ARTICLE 6 (A) - Duration of term of office

Representatives and Substitutes shall remani in office until the opening of the next Ordinary Session, except that in the event of an Extraordinary Session Members shall be entitled to make such changes among their Representatives as they think fit.

ARTICLE 7 - Permanent Bureau

When the oldest Representative has taken the Chair, the permanent Bureau shall he elected in public Session.

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

ARTICLE 8 - Election of the Bureau

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

The President shall be elected by secret ballot at the tribune.

If after two ballots no candidate has received more than half the votes cast, the candidate who on the third ballot receives the largest number of votes shall be declared elected. In the event of a tie the elder candidate shall be declared elected.

The six Vice-Presidents shall be elected by secret ballot at the tribune. Each Representative shall vote on the same ballot paper. Those who on the first ballot receive a number of votes greater than half the number of Representatives casting their votes shall be declared elected in the order of the number of votes received. If the number of candidates is less than the number of vacancies to be filled, a second ballot of those candidates not elected shall be held, following the same procedure. If a third ballot is necessary those who then receive the greatest number of votes shall be declared elected.

Tellers chosen by lot shall count the Arotes, and the results shall be announced by the temporary President.

As soon as the permanent Bureau has been elected the oldest Representative shall give way to the elected President.

The President and Vice-Presidents shall remain in office until the opening of the next Ordinary Session, unless they have ceased to be Representatives in the conditions mentioned in Article 6 (A).

PART III - Duties of the Bureau

ARTICLE 9 - President

The duties of the President shall be :

To open, suspend and close Sittings.

To propose at the end of each Sitting the date, time and Order of the Day of the next Sitting.

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.

To refer business to the appropriate Committees.

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

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

ARTICLE 10 - Vice-Presidents

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

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

ARTICLE 11 - Maintenance of Order

The President shall call to Order any Representative who departs from it. 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. In the event of a further offence, the President may exclude the offender from the Chamber for the remainder of the Sitting.

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.

The vote of censure shall be taken without debate, by a vote by Sitting and Standing.

It shall he 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 Minutes of Proceedings and Records of Sittings. He shall have similar power as regards any intervention by a Representative who has not obtained prior permission to speak.

ARTICLE 12 - Public Order in the Chamber and Galleries

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.

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

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.

PART IV - Agenda

ARTICLE 13 - Proposals for inclusion in the Agenda of Sessions

The Agenda of each Session shall include :

1. Reports from the Committee of Ministers on its activity.
2. Questions referred to the Assembly for an opinion by the Committee of Ministers.
3. Questions referred to the Committee at a previous Session which are still outstanding.
4. New questions whose inclusion in the Agenda lias been approved by the Committee of Ministers 071 the proposal of the Standing Committee.
5. New questions whose inclusion in the Agenda has been approved by the Committee of Ministers on the proposal of the Assembly, provided the Proposal adopted was laid before the Assembly;

(a) within the first five days of the current Session, or

(b) within the last eight days of the previous Session.

Proposals laid before the Assembly after the time-limit contained in (5) (a) above has expired can only be considered with the approval of two-thirds of the members of the Bureau.

The President shall immediately inform the Chairman of the Committee of Ministers of these Proposals ; he shall propose a day for the Assembly to consider the matter and, if such is the case, he shall inform the Assembly of the objections or comments made regarding them by the Committee of Ministers or by its Chairman.

As regards 5 (b) above, the Debate for the adoption of Proposals for inclusion in the Agenda must take place not later than three days before thé end of the Session.

Any Proposal for the inclusion of a question in the Agenda must be supported in writing by at least 10 Representatives. No proposal shall be considered by the Assembly unless- it has received the support of two-thirds of the Representatives present and voting.

Any Representative who, between Sessions, wishes to have a question included in the Agendaof the next Session may forward a Proposal to that effect which shall bear the signature of not less than three Representatives, to the President at least two months before the opening of the Session.

The President shall notify, the Standing Committee of this Proposal, which shall decide by a two-thirds majority of those present and voting whether it shall be transmitted to the Committee of Ministers.

ARTICLE 14 - Final Settlement of the Agenda

A provisional list of questions submitted for inclusion in the Agenda shall be communicated to the Members at the same time as the date of the opening of the Session.

If necessary, a supplementary list shall be communicated to the Assembly on the first day of its Session.

The Agenda thus adopted by the Assembly may not be amended during the Session, unless the Committee of Ministers through its Chairman, lias approved the Proposals made by the Assembly in accordance with the provisions of the preceding Article.

The Assembly shall then settle the order in which the questions shall be discussed.

ARTICLE 15 - Order of the Day

The Order of the Day for each Sitting shall be proposed by the President in accordance with the provisions of Article 9.

The Assembly may not discuss questions which do not appear on the Order of the Day for the Sitting.

PART V - Use of languages

ARTICLE 16 - Official languages

The official languages of the Assembly shall be English and French.

All documents of the Assembly shall be drawn up simultaneously both official languages.

ARTICLE 17 - Debates in the Assembly

Speeches delivered in one of the official languages shall be simultaneously interpreted into the other.

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.

ARTICLE 18 - Meetings of Committees

If in Committee an interpretation is required there sliall only be consecutive interpretation from one official language into the other.

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.

PART IV - Publicity of Debates

ARTICLE 19 - Publicity

Unless the Assembly decides otherwise, the Debates of its plenary Sessions shall be public.

ARTICLE 20 - Minutes of Proceedings

The Minutes of Proceedings of a Sitting recording decisions of the Assembly shall be laid on the Table half an hour before the following Sitting.

At the beginning of the Sitting Representatives may comment on the draft, and the Assembly shall take note.

If there are no comments the Minutes of Proceedings shall be considered adopted.

The Minutes of Proceedings shall be printed, signed by the President and the Clerk, and preserved in the archives of the Assembly.

ARTICLE 21 - Records of Sittings

A summary record of Sittings shall be kept. A verbatim record shall also be made, which shall be published within as short a period as possible.

Representatives who have spoken are required to return the verbatim records of their speeches to the Secretariat at the latest at the end of the day following that on which the records were distributed.

PART VII - Organisation of Sittings and of discussions in plenary Sessions

ARTICLE 22 - Time-Table of Sittings

On the Proposal of the President, the Assembly shall fix the date and time of its Sittings.

A Debate which has not been completed at the end of a Sitting shall be adjourned to the next Sitting, together with any other outstanding business.

ARTICLE 23 - Register of Attendance

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

ARTICLE 24 - Communications to the Assembly

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

ARTICLE 25 - Right to speak

No Representative may speak unless he lias been called upon by the President.

Representatives desiring to speak may either enter their names before the opening of the Sitting in a book which shall be provided for the purpose, or may ask for the right to speak in the course of the Sitting.

The President may 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 upon speakers alternatly for and against the Proposal under discussion.

Representatives shall speak from their places; the President may request them to come to the tribune.

Representatives shall address the Chair.

If a speaker is irrelevant, the President may call him to Order.

If a speaker is called to Order three times in the same Debate, on the third occasion the President shall decide whether be should be forbidden to speak during the rest of the Debate on the same subject.

No Representative may speak more than once on the same subject without permission from the President. Members of the Committee of Ministers and Rapporteurs on a question on the Order of the Day may, however, speak whenever they wish.

A speech which has not been completed at the end of a Sitting may not be resumed at the following Sitting.

ARTICLE 26 - Priorities

A Representative may always be heard :

1. To make a point of Order; there can however be only one point of Order with respect to any one concurrence;
2. To propose the adjournment; the adjournment can be proposed only once in the course of a Debate;

3. To propose a dilatory Motion;

4. To propose the Closure;

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

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

ARTICLE 27 - Order of Debates

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

The General Debate shall deal only with the question at issue as a whole and with the principle involved.

A Debate and examination of the text in detail shall take place on the Report of the competent Committee. It shall not begin less than forty-eight hours after the distribution of the Report.

When it has been concluded, only explanations of vote may be made before the final vote on the Resolution.

ARTICLE 28 - Amendments

Any Representative may propose and argue Amendments.

Amendments must be drawn up in writing, laid on the Table and distributed. Unless they are of a purely drafting nature, they must be laid not less than twenty four hours before the Debate on the Report, unless the Assembly decides otherwise by a vote by sitting and standing.

The reference of an Amendment to the Committee shall not necessarily interrupt the main Debate.

ARTICLE 29 - Lenght of Speeches

No Representative may speak for more than five minutes on any of the following :

Comments on the Proceedings

Points of Order

Settling of the Order of the Day

Proposals by the Bureau to limit the length of Debates

Requests for urgent procedure

Requests for adjournment

Dilatory Motions

Personal statements

The Closure

Explanations of vole

Calls to Order and disciplinary measures.

The Bureau of the Assembly may propose a limit to the lenght of speeches in a particular Debate.

ARTICLE 30 - Limitation of the number of Speakers in certain Debates

In Debates relating to requests for urgent procedure, for adjournment, or for dilatory Motions the following only shall be heard the proposer of the Motion, one speaker against the Motion, the Representatives of the Committee of Ministers, the Chairman and Rapporteur of the Committee.

ARTICLE 31 - Closure

Any Representative may request the Closure of a Debate or of the list of Speakers.

One speaker only may be heard against the Closure.

The Assembly shall decide, without debate by a vote by sitting and standing.

At the opening of a Debate, the Bureau may propose to the Assembly that a date and time be fixed in advance for its closure.

PART VIII - Voting

ARTICLE 32 - Majorities

The following majorities are required :

(1) in the case of appointments, and subject to the provisions contained in Article 8, at the first ballot a simple majority of votes cast and at the second ballot a relative majority ;

(2) in the case of Resolutions, a simple majority of votes cast, except as regards :

a. a proposal to include an item in the Agenda;

b. the establishment of Committees ;

c. the date of the opening of Ordinary Sessions; which shall be by a two-thirds majority of the votes cast.

in the case of Recommendations, a twothirds majority of the votes cast.

ARTICLE 33 - Right to vote

The right to vote is an individual one; each Representative shall have one vote.

ARTICLE 34 - Quorum

The Assembly cannot adopt any Resolution unless the majority of Representatives are present.

If the quorum is called in question, the roll shall be called.

If the result of a roll call shows that the quorum is not present, the vote shall be put back until the next Sitting.

If, before a vote is taken, the Bureau has not been called upon to confirm that a quorum is present, the result of such a vote shall be considered valid, whatever the number of votes cast, except in the case of a vote by roll call.

ARTICLE 35 - Methods of Voting

Normally the Assembly shall vote by show of hands.

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

When 10 Representatives so desire, the vote shall be taken by roll call on any question for which another method of voting is not expressly provided.

The final vote on Resolutions and Recommendations shall also be taken by roll call.

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 as Yes, No or I abstain. Only affirmative and negative votes shall count in calculating a majority. The President shall be responsible for the counting of votes and shall announce the result. The result shall be recorded in the Minutes of Proceedings of the Sitting, following the alphabetical order of the Representatives' names.

ARTICLE 36 - Substitutes

If a Rein-esentative is prevented from attending a meeting of the Assembly, he may arrange to be replaced by a Substitute of the same nationality.

He must give notice to the President, who will in turn inform the Assembly.

If a Representative is prevented from attending a Committee meeting, he may arrange to be replaced by another Representative or by a Substitute of his own nationality.

He must give notice to the Chairman of the Committee who, in turn, will inform the Committee.

A Representative who is unable to attend several Committee meetings must always be replaced by the same Representative or by the same Substitute.

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

PART IX - Committees

ARTICLE 37 - Establishment of Committees

At the. beginning of each Ordinary Session the Assembly shall establish the following general Committees :

Committee on General Affairs ;

Committee on Rules of Procedure and Privileges;

Committee on Economic Questions;

Committee on Social Questions;

Committee on Cultural and Scientific Questions ;

Committee on Legal and Administrative Questions ;

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

In every case, the Assembly shall fix the total membership of the Committees, and the number of seats to be alloted to each of the Members.

Any two or more Committees may hold joint meetings for the examination of subjects coming within their joint competence.

A Committee may set up Sub-Committees composed of its own Members.

Candidatures for membership shall be addressed to the Bureau which shall submit to the Assembly proposals for the final composition of Committees.

ARTICLE 37 (A) - Standing Committee

At the end of each Ordinary Session the Assembly shall also appoint the members of its Standing Committee.

The Standing Committee shall consist of the President, the six Vice-Presidents and a number of members to be decided by the Assembly which shall include the six Chairmen of Committees, who shall be Members ex-officio.

This Committee shall be established in accordance with the rules of procedure contained in Article 37.

This Committee shall be convened by the President of the Assembly whenever the latter deems it necessary and at least four times a year.

The Committee is responsible for co-ordinating the various Assembly Resolutions and the Reports or Recommendations made by the different'Committees.

It shall also consider the measures necessary for preparing the work of the next Session of the Assembly.

The President of the Assembly, acting on behalf of the said Standing Committee, may consult with the Committee of Ministers as to the advisability of convening an Extraordinary Session and also in regard to any matter arising out of the Agenda of the previous Session.

He shall take all steps which might be calculated to facilitate or expedite the work of the Assembly.

ARTICLE 38 - Bureaux

Each Committee shall elect a Chairman and two Vice-Chairmen.

ARTICLE 39 - Work of Commiltes

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

A Committee shall deal with questions referred to it by the Assembly after the General Debate. It shall appoint a Rapporteur for each subject under discussion. If a Committee is not unanimous, its Report shall indicate the views of the majority and of the minority.

Members of the Committee of Ministers may attend Committee meetings.

The rules adopted for the Assembly with regard to the election of President and Vice- Presidents, to quorum, voting, majority required right to speak and priorities shall apply also to proceedings in Committee.

The Chairman may, however, in his personal capacity, take part in discussions in Committee and may vote.

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

Rules applicable to Committees are equally valid for Sub-Committees.

Committee meetings shall be held in private.

The Secretariat shall be responsible for drawing up Minutes of the meetings, which shall contain a record of the Committee's decisions; and in addition of a summary report of the proceedings. Representatives may have access to these summanj reports, but they will not be distributed.

Apart from these reports, the only text published shall be those of Resolutions and Recommendations which have been adopted, as well as statements issued on the responsibility of the Chairman, unless the Committee decides otherwise.

PART X - Urgent Procedure

ARTICLE 40 - Requests for urgent procedure

Urgent procedure may be requested for any item on the Agenda of the Session.

A request in respect of the General Debate and the Debate on the Report of a Committee may be made by the Committee of Ministers, by the President, by the competent Committee, or by hot less than ten Representatives.

ARTICLE 41 - Urgent procedure

The President shall inform the Assembly that a request for urgent procedure has been made.

The Debate on the. request must be placed at the head of the Order for the Day of the next Sitting.

The adoption of urgent procedure shall require a two thirds majority of those present and voting.

When urgent procedure has been adopted, the General Debate shall be opened immediately and the Debate on the Report must be held not later than the following Sitting.

For a Debate on the Report only, the Debate shall be opened as soon as the Committee has indicated that it is ready to report. //, however, the Committee is not ready to report, the Debate shall open not later than the Sitting following the adoption of urgent procedure.

The Debate may take place on an oral Report from the Committee.

Proposals for the inclusion of questions in the Agenda of the current Session, in accordance with Article 13, shall be dealt with under urgent procedure. The Debate may only include arguments for or against the inclusion of the question in the Agenda.

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

ARTICLE 42 - Access to the Assembly

The members of the Committee of Ministers shall have the right of access to the Assembly. If they wish to take part in Debates, the President shall give them a prior right to speak whenever they wish to intervene. They may not vote.

ARTICLE 43 - Communications from the Committee of Ministers to the Assembly

All communications from the Committee of Ministers shall be addressed to the President, who shall immediately bring them to the notice of the Assembly.

ARTICLE 44 - Reports of the Committee of Ministers

Reports on its activities which the Committee of Ministers furnishes to the Assembly, in accordance with Article 19 of the Statute, shall be printed, distributed and included at the head of the Agenda; on the conclusion of the relevant Debate the Assembly shall vote on the text of a reply summarising its observations.

ARTICLE 44 (A) - Requests for opinion from the Committee of Ministers

Requests for opinion from the Committee of Ministers shall be printed, distributed and included in the Agenda under the conditions laid down in Articles 13 and 14 above.

During the relevant Debate the Assembly may, at the request of ten Representatives, decide, after a delay of twenty-four, hours to invite the Chairman of the Committee of Ministers to furnish the Assembly with explanations on the meaning and purpose of the request for an opinion.

Once such a decision has been taken the President shall adjourn the Debate and transmit the invitation to the Committee of Ministers. The Debate shall only be resumed when the Committee has informed the Assembly of its reply to the invitation.

Should the Committee of Ministers not be in a position to accept the Assembly's invitation, the latter shall decide whether to resume or further adjourn the Debate.

ARTICLE 45 - Written questions

Representatives may, through the President, address to the Committee of Ministers written questions bearing on items of the Agenda of the Assembly.

If answers from the Committee of Ministers are received by the Assembly during the course of the Session, they and the questions to which they refer shall be published as appendices to the Official Reports of Debates.

PART XII - Petitions

ARTICLE 46 - Eligibility and Examination of Petitions

Petitions must be adressed to the President.

In order to be entertained, they must

(a) show the names, attributes and domicile of the 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.

The Bureau of the Assembly shall examine the eligibility of petitions with the Secretary-General. Petitions which may be entertained shall be

(a) referred by the Bureau to the competent Committees, when they bear on an item of the Agenda.

(b) referred by the Secretary-General to the Committee of Ministers when they bear on a question not included in the Agenda.

PART XIII - Clerks and Assembly Services

ARTICLE 47 - 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.

PART XIV - Miscellaneous provisions

ARTICLE 48 - Raising of Parliamentary Immunity

Requests for permission to take legal action against Representatives shall be addressed to the President of the Assembly. They must be accorded urgent procedure as provided in Article 40 above.

Requests shall be referred without debate to the competent Committee.

The Report of the Committee shall be entered on the Order of the Day for the first day on which there is a Sitting after its submission.

The Debate on this Report may only include arguments for or against the granting of permission.

ARTICLE 49 - Revision of the Rules

Proposals for Resolutions on Amendments to the Rules must be supported by 10 Representatives. They shall be referred without debate to the competent Committe which shall report on them as provided in Article 39.

The Report of the Committee shall be placed on the Agenda in accordance with Article 14. The Debate shall be concerned with the texts only.

PART XV - Transitional Provisions

ARTICLE 50 - Appointment of the Provisional President

(This Article is suppressed).