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Amendment of certain of the Rules of Procedure of the Assembly to implement the principles laid down in resolution 62 and Opinion No. 12

Motion for a resolution

Committee on Rules of Procedure, Immunities and Institutional Affairs

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A. DRAFT RESOLUTION

Rules 14, 15, 16, 27, 28, 30, 41, 42, 44, 45, 47 and 48, and also Rules 35, 39 and 53 are modified as follows :

B. Explanatory Memorandum presented by Mr. Thomson

1.

1. In its Resolution 62 and Opinion No. 12 of 24th September, 1954, the Assembly adopted certain principles relating to procedure whose purpose is to make the Assembly's working methods both simpler and more effective. To give effect to these principles some of the basic Rules of Procedure will have to be amended (Rules 14, 15, 16, 27, 28, 30, 41, 42, 44, 45, 47 and 48) and consequential amendments made to other Rules (Rules 35, 39 and 53). Resolution 62, in particular, relates to :

- a. the inclusion of questions in the Assembly's Register (Rules 14, 28 and 30)
- b. the preparation of the Agenda (Rules 15, 16 and 44);
- c. the duties of Committees (Rules 41 and 42). Opinion No. 12, moreover, concerns the right of access of the Ministers' Deputies to the Assembly (Rule 45).

2. With regard to the inclusion of questions in the Assembly's Register, the new Rule 14, in compliance with the provisions of Resolution 62 and in the light of the explanations furnished by the Report of the Committee on General Affairs ([Doc. 264](#) paragraphs 86 and 87), restricts the questions that can be debated in the Assembly to those introduced by the tabling of certain documents, which are specified. In addition, the list of questions to be included in the Agenda, provided for under the original Rule 14, is replaced by a Register of questions submitted to the Assembly from which are extracted those which, by being placed on the Agenda, will be discussed during any one Session or part of a Session. The object of the new Rules 28 and 30 is to regulate the right of initiative of Representatives, who, according to Resolution 62, should endeavour to table only genuine motions and not simply " questions ". Experience has shown that, generally speaking, a request that a question be included in the Agenda does not itself provoke a useful discussion and usually results in the adoption of texts of little significance. If Representatives are in future required to define clearly the purpose of the motions they table, other Representatives will be induced to table on the same subject divergent and even opposing motions; thus it could be expected to stimulate useful and constructive discussion in committees and in the Assembly. Your Committee has maintained the requirement that a motion must be supported by ten signatures, and that its inclusion in the Assembly's Register must attract a two-thirds majority of the votes cast.

3. Resolution 62 proposes that the Agenda for each part of a Session should be prepared six weeks in advance. The new Rule 15 makes the Bureau responsible for drawing up the draft Agenda, and the Standing Committee responsible for finally adopting it. But, since urgent procedure is retained in a simplified form, the Committee of Ministers, the Committee concerned, or ten or more Representatives may secure the Assembly's consent in the course of part of a Session to the discussion of an emergency subject which has not been placed on the Agenda.

4. Paragraphs 1 and 2 of the new Rule 41 determine the extent of the Committees' powers on the basis of Resolution 62; they stipulate that Committees shall continue to deal with questions forming the subject of Assembly Recommendations or Resolutions and shall examine what action has been taken on them. The object of the new paragraph 4 of Rule 41. is to emphasise that, when the Committees are instructed to give their opinion on a question, the most satisfactory method is for them to table amendments to the report submitted by the Committee primarily concerned, rather than to encroach on that Committee's responsibilities by tabling an alternative report.

5. The new provision by which it is proposed to complete paragraph 7 of Rule 42 is designed to lay down clearly the rights of observers from international organisations, of representatives from non-governmental organisations with consultative status, and of any other persons who may be given the right to attend meetings of Committees.

6. By its Resolution (55) 12 of 5th July, 1955, the Committee of Ministers amended Article 18 of its Rules of Procedure so as to permit any member of the Government of a Member State to speak in the Assembly as an individual and in his own name, after obtaining the agreement of the President of the Assembly as to the date on which he shall be heard. This decision of the Committee of Ministers will be welcomed as enhancing the Parliamentary status of our Assembly. It is fitting, therefore, that the Ministers' right of access to the Assembly should henceforth be interpreted in the widest sense and that Rule 45 of the Rules of Procedure of the Assembly should be amended accordingly. Moreover, a new paragraph has been added to this Rule, so as to incorporate in the Rules of Procedure the provisions of Section A, I, 2, of Opinion No. 12. Thus, the right of access of Ministers to meetings of Assembly Committees would be extended to the Ministers' Deputies, subject, in each case, to the agreement of the Committee concerned.

7. For these reasons, your Committee has proposed to the Assembly certain amendments to the Rules of Procedure and, to this effect, it has agreed unanimously to the draft Resolution set out above.

RULE 14

Register of questions submitted to the Assembly

8. The questions placed on the Assembly's Register shall be those introduced by the tabling of any of the following documents :

- a. Communications from the Committee of Ministers;
- b. Communications addressed to the Assembly by national, supranational or international organisations as a result of agreement between such bodies and the Assembly;
- c. Motions accepted for inclusion in the Register in accordance with the provisions of Rule 28 below.

9. Any question referred to a Committee in pursuance of a decision taken by the Assembly or the Standing Committee shall also be included in the Assembly's Register.

10. Subject to the provisions of Rule 27 below, the Bureau shall refer the documents mentioned in paragraph 1 of this Rule to the appropriate Committee for examination and shall submit such reference for ratification by the Assembly at its next Sitting. These documents may be referred to any other Committee for an Opinion.

11. The Assembly may, at the request of the Committee concerned, remove a question from its Register.

RULE 15

Settlement of the Agenda

12. The Bureau shall prepare for each Session or part-Session a draft Agenda which it shall submit to the Standing Committee.

13. Any question on the Assembly's Register may be placed on this draft Agenda. The Progress Report of the Standing Committee shall automatically be placed on the Agenda.

14. On the basis of the draft prepared by the Bureau, the Standing Committee shall adopt the Agenda for the next Session or part-Session at the same time as it fixes the date of the opening or resumption of the Session. The Agenda shall be communicated to Representatives and Substitutes at the same time as the date of the opening or resumption of the Session.

15. The Agenda thus adopted may only be altered in accordance with the provisions of Rule 44 below.

RULE 16

Order of business

16. So far as circumstances permit, the Bureau shall draw up a draft order of business for each Session or part-Session showing at which Sittings the various questions on the Agenda will be discussed.

17. The draft order of business shall be sent to Representatives and Substitutes and shall be submitted to the Assembly at its first Sitting.

RULE 27

Order of debates

Paragraph 1 is amended as follows :

Unless the Assembly or the Standing Committee decides otherwise, the examination of a question in committee shall be preceded by a general debate.

After paragraph 3 a new paragraph is added as follows :

After a question has been referred to a committee, . no Opinion, Recommendation or Resolution may be adopted except on the basis of the text of the Committee to which the question has been referred.

RULE 28

Tabling of motions

18. Motions tabled by Representatives must bear on the substance of the question raised and take the form of a Recommendation or Resolution; they may contain an Explanatory Memorandum. Such motions shall be supported in writing and signed by ten or more Representatives or Substitutes.

19. The President shall decide whether such motions are in order. He may, if he considers it necessary, consult the Committee concerned and refer the matter to the Assembly or the Standing Committee. Motions which are in order shall be printed and distributed immediately.

20. The inclusion of such motions in the Assembly's Register shall require a two-thirds majority of the votes cast, comprising at least one-third of the Representatives to the Assembly or on the Standing Committee. On the inclusion the following only shall be heard; one speaker " for " the motion, one speaker " against ", and the Chairman of the Committee concerned.

RULE 30

Orders and Resolutions

21. Any Representative or Substitute may lay on the table of the Assembly motions for Orders or Resolutions. The President shall decide whether such motions are in order.

22. Such motions, may be put to the vote without being referred to Committee.

RULE 41

Competence of committees

23. Committees shall examine all documents referred to them in accordance with Rule 14 above and all questions submitted to them in pursuance of a decision taken by the Assembly or the Standing Committee.

24. Committees shall also examine the action taken on Recommendations and Resolutions adopted by the Assembly.

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

26. Any Committee requested to give an opinion on a document which has been referred to another Committee for report may put forward amendments to the report tabled by the latter Committee.

RULE 42

Procedure in Committee

Paragraph 7 is completed as follows :

The conditions in which any person who is not a Representative or Substitute may be heard by a Committee shall be decided by that Committee. If the Committee agree, such a person may take part in the discussions, at the discretion of the Chairman.

RULE 44

Urgent Procedure

27. At the request of the Committee of Ministers, of the Committee concerned, or of ten or more Representatives, a debate may be held on a question which has not been placed on the Agenda.

28. In connection with a request for urgent procedure the following only shall be heard : one speaker " for " the request, one speaker " against ", the Chairman of the Committee concerned and a representative of the Bureau speaking in its name.

29. The adoption of urgent procedure shall require a two-thirds majority of the votes cast, comprising at least one-third of the Representatives of the Assembly. If urgent procedure is adopted, the debate shall be opened on a date fixed by the Assembly.

RULE 45

Access to the Assembly and Committees

30. Any representative on the Committee of Ministers or any other Minister of the Government of a Member State shall have the right of access to the Assembly and its Committees. He shall be given the right to speak whenever he wishes. He may not vote.

31. Any Minister may, on the same basis, be represented by a Deputy at meetings of Assembly Committee, subject to agreement with that Committee.

RULE 47

Reports of the Committee of Ministers

Progress reports communicated by the Committee of Ministers to the Assembly, in pursuance of Article 19 of the Statute, shall be placed on the Assembly's Register and referred to Committee in accordance with Rule 14 above. At the conclusion of the relevant debate the Assembly shall adopt a reply summarising its observations.

RULE 48

Requests by the Committee of Ministers for opinion or further consideration

Requests for an opinion or reconsideration from the Committee of Ministers shall be placed on the Assembly's Register and referred to committee in accordance with Rule 14 above. At the end of the debate on the report of the committee, the Assembly shall adopt either an Opinion or a new Recommendation to the Committee of Ministers.

CONSEQUENTIAL AMENDMENTS

In Rule 35, the words " the inclusion of a question in the Agenda " are replaced by the words " the inclusion of a motion in the Assembly's Register ".

Paragraph 4 of Rule 39 is completed with the words " and the Agenda of sessions or part-sessions ".

In paragraph 2 of Rule 53, the words " in the Orders of the Day in accordance with the provisions of Rule 24 above in the English text " are replaced by the words " in the Agenda in accordance with the provisions of Rule 15 above ".