Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 8
22 August 1949

Interpretation of Article 36 of the Provisional Rules of Procedure

Report
Rapporteur: Mr Léon MACCAS, Greece

1. REPORT

The Committee appointed to consider the interpretation of Article 36 of the Provisional Rules of Procedure, with special regard to the question of substitutes at the Committee meetings has adopted the following Report:—

A letter to the Committee from the President of the Assembly was read in these terms:

"Mr. CHAIRMAN,

"At this morning's meeting (19th August) of the Consultative Assembly, M. Wold requested mo to define the task which has been assigned to the Special Committee.

"This Committee will have to give an interpretation of Article 36 of the Assembly's Draft Rules of Procedure for the Assembly, taking into account Article 25 (c) of the Statute of the Council of Europe and, if necessary, to submit a now proposal with regard to Article 36.

"The Assembly is particularly interested in the following, points:

1. Whether substitutes may, if necessary, represent more than one representative.
2. under what conditions a substitute may sit in the Assembly.
3. under what conditions and according to what procedure a substitute may sit with a Committee.

"Without wishing in the least to try to influence the work of the Special Committee, I think I may like, however, to point out that in my opinion the provisions of Article 25 (c) of the Statute should be strictly adhered to as regards the attendance of substitutes at the Assembly, whereas it would certainly be wise and useful to interprète them more broadly with respect to the attendance of certain substitutes at committees.

"I am, Mr. Chairman,

"Yours very truly."

Signed: SPAAK.

After consideration the Committee adopted the following resolutions relating to Subtitutes in Committees:

1. That any representative shall be entitled to be represented by different substitutes on different days [1], but not upon the same day.

2. That a representative shall be entitled to appoint his own substitute.

---

1. This resolution was adopted by 10 votes to 2.

3. That when a representative is appointed to two Committees, the susbstitute who is appointed to represent him upon the Committee which he is unable to attend shall have the full rights of a representative including the right to appoint a substitute.

4. That notice of the replacement of a representative by his substitute should be given by the representative to the Chairman of the Committee before the opening of the meeting.

5. That when a representative is unable to attend a meeting or meetings of a Committee he shall be entitled to appoint a substitute.

6. That when a representative and his substitute are both unable to attend, the representative may with the permission of the Committee be represented by another representative or substitute.

7. A proposal was next made to correlate the wording of Article 36 of the Provisional Rules of Procedure with that of Article 25 (c) of the Statute of the Council of Europe by omitting the stipulations of period and cause of absence which had been inserted in Article 36. A suggestion that any recommendation regarding the application of Article 36 to the Assembly should be left to the consideration of the Committee on Rules of Procedure and Privileges was defeated by 7 votes to 4 and the following amendment was then adopted by 9-votes to 3.

"If a representative is unable to attend sittings of the Assembly he must give notice'in writing to the President, showing the sitting or sittings of the Assembly or of the Committees at which he may be replaced by a [2] substitute.

"The President shall inform the Assembly of such notice.

"Substitutes shall have the same right to sit, speak and vote in the Assembly and in Committees as the representatives whom they replace.

"In the absence of the substitute he nominates, a representative may, with the permission of the Assembly or of the Committee, be represented in that Committee by another representative or substitute."

8. In view of these decisions the amended text of article 36 would read as follows:—

ART. 36

Substitutes

If a representative is unable to attend a sitting of the Assembly or a Committee, and he wishes to bo represented by a substitute he must notify the President of the Assembly or the Chairman of the Committee as the case may be, indicating the sitting or sittings of the Assembly or Committee at which he will be replaced by the substitute he nominates.

The President or Chairman shall inform the Assembly or Committee as the case may bo of such notice.

With the permission of the Committee concerned, a representative may, in the absence of the substitute he nominated, be represented in that Committee by another representative or substitute.

A substitute regularly replacing a representative who is a member of more than one Committee may, when he is unable to attend, with the permission of the Committee and the consent of the representative appoint another substitute in his place.

In all cases a substitute means a duly accredited substitute and a national of the same Member State as the representative whom he replaces.

Signed:

L. Maccas.

---

2. A proposal to replace the word "a" by the word "his" was rejected by 9 votes to 4.