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Incompatibility of a paid office under the Council of Europe with parliamentary membership

Report[1]
Committee on Rules of Procedure, Immunities and Institutional Affairs
Rapporteur: Mr Jacques BICHET, France

1. See Reference 49 of 9th July, 1954 and 25th Sitting of the 7th Session, 25th October, 1955 (Reference back to the Committee on Rules of Procedure and Privileges for reconsideration of report, Doc. 439).

A. Draft Resolution

The Assembly,

Having been seized of the question "whether a Representative to the Assembly should or should not be qualified to accept nomination to an office of profit or paid employment under the Assembly",

Resolves :

1. Under the terms of Article 36 (d) of the Statute, the holding of a salaried post in the office of the Clerk and other Departments of the Secretariat-General of the Council of Europe is incompatible with the position of Representative to the Consultative Assembly or member of a national parliament.

2. A person who has been a Representative to the Consultative Assembly or member of a national parliament shall be debarred from applying for or accepting a salaried post in the Office of the Clerk and other Departments of the Secretariat-General of the Council of Europe until two years have elapsed since the termination of his mandate.

3. A Representative to the Consultative Assembly shall be at liberty to become a member of the European Commission of Human Rights.

B. Explanatory Memorandum

On 9th July, 1954, the Standing Committee referred to the Committee on Rules of Procedure and Privileges (Reference No. 49) the question raised by Mr. Morrison " whether a Representative to the Assembly should or should not be qualified to accept nomination to an office of profit or paid employment under the Assembly. " M. Rolin asked that the position of Representatives who were members of the European Commission of Human Rights should be likewise looked into.

The reasons for the Resolution submitted to the Assembly on 25th October, 1955, were explained by the Committee on Rules of Procedure and Privileges in its Report of 20th October (Doc. 439) and need not be recapitulated here.

Whereas the Committee intended that the draft Resolution should apply only to salaried service in the Office of the Clerk and other Departments of the Secretariat-General, the debate following the Rapporteur's statement in the Assembly showed that a strict interpretation of the text might have broader implications. One Representative pointed out that it would result, for example, in debarring a member of the Assembly from appointment as a European Commissioner.

In these circumstances, the Chairman and Rapporteur agreed that the text he referred back to the Committee.

Having considered the points raised, the Committee decided to submit to the Assembly the above draft Resolution, which it adopted unanimously.