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COUNCIL OF EUROPE
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Reconsideration of Resolution 96 relating to the incompatibility of a paid office under the Council of Europe with parliamentary membership

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

A. Draft Resolution

The Assembly,

With reference to Resolution 96 adopted on 20th April 1956;

Having been seized of a request for reconsideration;

Considering that it is not necessarily in the interests of the Secretariat-General to deprive it of the possible assistance of any person who has held parliamentary membership,

Resolves that paragraph 2 of Resolution 96 shall be deleted and replaced by the following paragraph :

" A person who is a Representative to the Consultative Assembly or member of a national parliament shall be debarred from accepting a salaried post in the Office of the Clerk and other Departments of the Secretariat-General of the Council of Europe until the termination of his mandate ."

B. Explanatory Memorandum by M. BICHET

1.

On 20th April 1956, the Assembly, having heard the Report of the Committee on Rules of Procedure, adopted Resolution 96, which stipulates that any member of the Consultative Assembly or of a national parliament shall be debarred from applying for a salaried post in the Secretariat-General during a period of two years after the termination of his parliamentary mandate.

Before the question of the replacement of the late Secretary-General arose, however, the Ministers' Deputies made known, during the meeting of the Joint Committee of 1st October 1956, that they considered that " the resolution conflicted with the provisions of Article 36 (d) of the Statute which laid down conditions for the recruitment of members of the Secretariat; the effect of the resolution would be to alter those conditions by prescribing further incompatibilities; the Assembly had the sole competence with regard to its own members, but it might de desirable to reduce the period of incompatibility laid down in the Resolution; with regard to members of national parliaments the Assembly had exceeded its powers in specifying a period of incompatibility ".

At the same meeting of the Joint Committee, it was agreed to submit a request to the Assembly for further discussion of this question. It was consequently referred to the Committee on Rules of Procedure on 19th October 1956 (Reference No. 122). The Committee examined it at its meetings on 23rd and 26th October 1956, and again on 9th January 1957.

When, on the 20th April 1956, the Committee suggested to the Assembly that incompatibility should be for a period of two years, its object, inter alia, was to ensure normal career prospects for European civil servants; but the result of the complete debarment arising out of paragraph 2 of Resolution 96 has been to deprive the Council of Europe of the possible assistance of political figures whose experience might, in present circumstances, be particularly useful.

It is for this reason that the Committee, unanimously with one abstention, proposes to the Assembly the amendment of paragraph 2, which is the subject of the above draft Resolution.