



Resolution 1698 (2009)¹

Final version

Amendment of various provisions of the Parliamentary Assembly's Rules of Procedure

Parliamentary Assembly

1. The Parliamentary Assembly has always considered that the procedures governing its activities and decisions must be based on clear, consistent, up-to-date and effective parliamentary rules, and that it is necessary to modify its Rules of Procedure on a regular basis to take account of changes in parliamentary practice, to review provisions that no longer correspond to such practice and to clarify those rules where interpretation or application raises difficulties or specific problems arise. Since its new Rules of Procedure came into force in January 2000, the Assembly has made a number of amendments to them in various resolutions, the most recent being [Resolution 1584 \(2007\)](#) on the application and amendment of various provisions of the Parliamentary Assembly's Rules of Procedure.

2. In addition, the Assembly has received three requests in less than a year for the reconsideration of the credentials of a parliamentary delegation, in accordance with Rule 9 of the Rules of Procedure, whereas that procedure had remained unused since its introduction in 1996. The Assembly recalls that the Rule 9 procedure was introduced to accompany the reinforcement of the monitoring of member states' commitments and obligations, in response to its wish to be able to challenge ratified credentials when urgent action is considered necessary. It considers that Rule 9 establishes a procedure of major political importance, which in view of its potential consequences needs to be applied very carefully, and that it must not be abused and used simply as a means of applying pressure.

3. In the light of the foregoing, certain rules or procedures require clarification or updating. The Assembly therefore intends to make further changes to its Rules of Procedure in order to improve its internal functioning and working methods. Consequently, it has decided to amend its Rules of Procedure as follows:

3.1. with regard to the procedure for challenging still unratified credentials on procedural grounds:

3.1.1. in Rule 7.1, the words "by any member of the Assembly present in the Chamber" are replaced by the words "by at least ten members of the Assembly present in the Chamber, belonging to at least five national delegations";

3.1.2. after Rule 7.1, the following new rule is added:

"The authors shall state the reasons for the challenge."

3.1.3. at the end of Rule 7.2, the following sentence is added:

"If the committee concludes that the credentials should be ratified, it may submit an opinion to the President of the Assembly, who shall read it out in the plenary sitting of the Assembly or the Standing Committee, without debate. If the committee concludes that the credentials should not be ratified or that they should be ratified but that some

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 20 November 2009 (see [Doc. 12071](#) and Addendum, report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Holovaty).



rights of participation or representation should be denied or suspended, the committee's report shall be placed on the agenda for debate within the prescribed deadlines.”;

3.2. with regard to the procedure for challenging still unratified credentials on substantive grounds:

3.2.1. in Rule 8.1.a, the words “at least ten members of the Assembly present” are replaced by the words “at least thirty members of the Assembly present”;

3.2.2. after Rule 8.1, the following new rule is added:

“The authors shall state the reasons for the challenge.”;

3.3. with regard to the procedure for reconsideration of the credentials of a national delegation on substantive grounds:

3.3.1. the first sentence in Rule 9.2 is replaced by the following sentences:

“A motion for a resolution to annul ratification shall be tabled by at least fifty representatives or substitutes, belonging to at least two political groups and five national delegations, and be distributed at least two weeks before the opening of a part-session or a meeting of the Standing Committee. The list of signatories may not include more members of a delegation than the number of seats held by that delegation in the Assembly. The motion for a resolution shall state the reasons for it. Once tabled, a motion cannot be withdrawn by its authors and no signature may be withdrawn or added to it.”;

3.3.2. Rule 9.5 is replaced by “Members of the delegation concerned shall not vote in any proceedings related to the reconsideration of the credentials which concern them.”;

3.4. with regard to amendments to challenge or reconsider credentials, the following sentence is added at the end of Rules 7.3, 8.5 and 9.4:

“Any amendments to the operative part of the draft resolution may propose only one of the three options above.”;

3.5. with regard to the conditions governing the initiation and tabling of motions for recommendations and resolutions, in particular the fact that it is not possible to add or withdraw signatures or to withdraw such motions in their entirety, the first sentence of Rule 24.2 is replaced by the following sentences:

“A motion for a recommendation or resolution not exceeding 300 words shall be signed by at least twenty representatives or substitutes belonging to at least five national delegations. Once tabled, a motion cannot be withdrawn by its authors and no signature may be withdrawn or added to it.”.

4. Moreover, the Assembly decides to introduce the following changes to its Rules of Procedure:

4.1. with regard to the credentials of a national delegation, Rule 6.4 is replaced by the following sentence:

“Credentials presented at a later date shall be transmitted to the President of the Assembly, if possible, not less than one week before the first sitting of a part-session or a meeting of the Standing Committee, for ratification.”;

4.2. with regard to the official documents of the Parliamentary Assembly, paragraphs *b*, *d* and *g* of Rule 23.2 are deleted;

4.3. with regard to the minutes of proceedings of the Assembly sittings, which have been eliminated:

4.3.1. Rule 30 is deleted;

4.3.2. Rules 21.2, 21.6, 23.2.a, 35.8 and 41.1 are modified consequently;

4.3.3. in the last sentence of Rules 39.4 and 39.8, the words “minutes of proceedings of the sitting” are replaced by the words “reports of debates of the sitting”;

4.4. with regard to the procedure for the examination and automatic adoption of amendments that have been unanimously approved by a committee, Rule 34.10 is amended by the addition, at the end, of the following provision:

“This paragraph shall also apply to discussion of a report presented by a committee to the Standing Committee.”;

- 4.5. with regard to the nomination of members to certain committees:
 - 4.5.1. add the following sentence after the second sentence of Rule 43.3:

“Not more than two members of a national delegation from a state under monitoring procedure or involved in a post-monitoring dialogue may sit on the Monitoring Committee.”;
 - 4.5.2. in Rule 43.3, the sentence “These nominations shall be submitted to the Assembly for ratification.” is replaced by the sentence “These nominations shall be submitted to the Assembly or the Standing Committee for ratification.”;
- 4.6. with regard to exceptions concerning the number of sub-committees, the last sentence of Rule 48.3 is deleted;
- 4.7. with regard to the term of office of sub-committees’ bureaux under Rule 48.7:
 - 4.7.1. the following sentences are added after the second sentence:

“Candidates for the office of chairperson or vice-chairperson of a sub-committee must be full members of the committee concerned and of the sub-committee and have been a full member or alternate of the committee concerned and of the sub-committee for at least one year. A single candidate put forward for any office shall be declared elected without a vote.”;
 - 4.7.2. the final sentence is replaced by the following:

“The chairperson and the vice-chairperson of a sub-committee may be re-elected for one further term, consecutive or not. A chairperson or vice-chairperson of a sub-committee elected in the course of a session for an incomplete term to replace the chairperson or the vice-chairperson previously elected during the session may be re-elected for two further terms.”;
- 4.8. with regard to the urgent procedure in Rule 50.4, the words “refer the item to a committee of the Assembly for report and, if appropriate, to a committee for opinion” are replaced by the words “refer the item to a committee of the Assembly for report and, if appropriate, to one or several committees for opinion”;
- 4.9. with regard to current affairs debates, the first sentence of Rule 52.2 is replaced by:

“A request for a current affairs debate shall be addressed to the President of the Assembly by at least twenty representatives or substitutes, by one political group, by one national delegation or by one committee.”;
- 4.10. with regard to written declarations, Rules 53.3 and 53.4 are replaced by the following single paragraph:

“Any representative or substitute may add his or her signature to a written declaration up to the close of the next part-session, after which no further signatures may be added. The declaration shall be issued again with the names of all members who have signed it.”;
- 4.11. with regard to the status of partner for democracy:
 - 4.11.1. the following new rule is inserted after Rule 60:

“Rule 61 – Partners for democracy

61.1. The Assembly may grant partner for democracy status to national parliaments of non-member states of the Council of Europe in neighbouring regions, which meet the conditions set out in Rule 61.2. and any specific conditions which the Assembly may lay down.

61.2. Any formal request for partner for democracy status shall be addressed to the President of the Parliamentary Assembly by the president or speaker of the parliament concerned. This request shall contain the following elements:

– an explicit reference to the aspiration of the said parliament to embrace the values of the Council of Europe, which are pluralist and gender parity-based democracy, the rule of law and respect for human rights and fundamental freedoms;

- a commitment to act to abolish the death penalty and to encourage the competent authorities to introduce a moratorium on executions;
- a statement on the intention of the parliament to make use of the Assembly's experience, as well as of the expertise of the European Commission for Democracy through Law (Venice Commission), in its institutional and legislative work;
- a commitment to organise free and fair elections in compliance with relevant international standards;
- a commitment to encourage balanced participation of women and men in public and political life;
- a commitment to encourage the competent authorities to become party to the relevant Council of Europe conventions and partial agreements which are open for signature and ratification by non-member states, in particular those dealing with human rights, rule of law and democracy issues;
- an obligation to inform the Assembly regularly on the state of progress in implementing Council of Europe principles.

61.3. The Assembly shall specify the number of members of a partner for democracy delegation.

61.4. A parliament with partner for democracy status shall transmit to the President of the Parliamentary Assembly not less than one week before the opening of the session the list of the delegation members appointed for the duration of the entire session. Insofar as the number of its members allows, the delegation shall be composed to ensure a fair representation of the political parties or groups in that parliament and to include at least the same percentage of the under-represented sex as is present in the parliament and in any case one representative of each sex.

61.5. Members of delegations with partner for democracy status may sit in the Assembly but without the right to vote. They shall have the right to speak with the authorisation of the President of the Assembly.

61.6. Members of delegations with partner for democracy status may attend committee meetings as provided in Rule 47.5. They may sign motions for resolutions and recommendations (except those under Rules 9.2 and 66) and written declarations. However, they shall not be taken into account for the number of signatures required. Members of such delegations may participate in the work of political groups according to the conditions established by the groups.

61.7. Decisions on granting, suspending or withdrawing partner for democracy status shall be taken by a resolution of the Assembly following a report by the Political Affairs Committee with an opinion by any other relevant Assembly committee, if necessary.”;

4.11.2. In Rules 47.5 and 47.6, the words “members of observer and special guest delegations” are replaced by the words “members of special guest, observer and partner for democracy delegations”.

5. With regard to the complementary texts to the rules, the Assembly decides to modify the additional provisions relating to Assembly debates as follows:

5.1. with regard to the list of speakers, the following sentence is added at the end of paragraph 2:

“Names may not be entered on the list of speakers for a debate under urgent procedure or a current affairs debate until a specific request is placed on the draft agenda drawn up by the Bureau.”;

5.2. with regard to the order of speakers:

5.2.1. the following words are added at the end of paragraph 6: “unless they have been unable to speak in the debate”;

5.2.2. in paragraph 11 the words “members of observer and special guest delegations” are replaced by the words “members of special guest, observer and partner for democracy delegations”;

5.2.3. the following sentence is added at the end of paragraph 13:

“The final list of speakers may not include more members of a delegation than the number of seats held by that delegation in the Assembly.”;

5.3. with regard to speaking time, paragraph 3 is replaced with the following paragraph:

“Rapporteurs for opinion and rapporteurs of the Bureau ad hoc committees shall have the same speaking time to present their opinions as the speakers registered for the debate concerned.”

6. The Assembly decides to modify the terms of reference of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) by amending [Resolution 1115 \(1997\)](#) as follows:

6.1. in paragraph 8, after the second sentence, add the following sentence:

“Not more than two members of a national delegation from a state under monitoring procedure or involved in a post-monitoring dialogue may sit on the Monitoring Committee.”;

6.2. at the end of paragraph 13, add the following words: “and at least once every four years on each country involved in a post-monitoring dialogue.”

7. Lastly, the Assembly invites the Bureau to amend the “guidelines for the observation of elections by the Parliamentary Assembly”, in order to insert a rule providing formally for any incompatibility between the functions of chairperson of an ad hoc election observation committee and those of rapporteur of an Assembly committee on a subject dealing directly with the country where the elections are observed.

8. The Assembly decides that the amendments to the Rules of Procedure in this resolution shall enter into effect at the opening of the January 2010 part-session (25 January).