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The status of the chairpersons of political groups in committees (Rule 18.5 of the Rules of Procedure of the Assembly)

Report[1]
Committee on Rules of Procedure, Immunities and Institutional Affairs
Rapporteur: Mr Arcadio DÍAZ TEJERA, Spain, Socialist Group

Summary

The chairpersons of political groups in the Parliamentary Assembly have the right to sit as *ex officio* members on the Committee on Rules of Procedure, Immunities and Institutional Affairs and on the Committee on Political Affairs and Democracy. However, there is no harmonisation of the relevant rules regarding the associated participation rights.

It is proposed to grant the chairpersons of political groups the status of *ex officio* members of the Committee on Political Affairs and Democracy and of the Monitoring Committee and to harmonise the relevant rules so that they have the same rights as the other members of these committees, a status which they already hold on the Committee on Rules of Procedure, Immunities and Institutional Affairs.

1. Reference to committee: Decision of the Bureau, Reference 3835 of 28 January 2012.

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A. Draft resolution[2]

1. The chairpersons of political groups in the Parliamentary Assembly have the right to sit as *ex officio* members on the Committee on Rules of Procedure, Immunities and Institutional Affairs and on the Committee on Political Affairs and Democracy. However, there is no harmonisation of the relevant rules regarding the associated participation rights.

2. The Parliamentary Assembly resolves to grant the chairpersons of political groups, with effect from the entry into force of this resolution, the status of *ex officio* members of the Committee on Political Affairs and Democracy and the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and to harmonise the relevant rules so that they have the same rights as the other members of these committees, a status which they already hold on the Committee on Rules of Procedure, Immunities and Institutional Affairs.

3. The Assembly therefore resolves to amend its Rules of Procedure as follows:

3.1. Rule 18.5 of the Rules of Procedure is replaced by the following: “Chairpersons of political groups are *ex officio* members of the Committee on Political Affairs and Democracy, the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and the Committee on Rules of Procedure, Immunities and Institutional Affairs. Rule 43.6 shall not apply to them.”;

3.2. Rule 43.1 is amended as follows “Committee on Political Affairs and Democracy (89 seats)”, “Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (89 seats)”;

3.3. in Rule 43.3, replace the words “the 84 members of the Monitoring Committee” with the words “84 of the 89 members of the Monitoring Committee” and delete the words “Chairpersons of political groups shall be *ex officio* members of the committee”;

3.4. in Rule 48.3, replace the words “A committee of 84 seats” with “A committee of 84 or 89 seats”.

4. The Assembly resolves that the amendments to the Rules of Procedure set out in this resolution shall enter into force at the opening of the 2013 ordinary session (21 January 2013).

2. Draft resolution adopted unanimously by the committee on 4 October 2012.

B. Explanatory memorandum by Mr Díaz Tejera, rapporteur

1. Introduction

1. At its meeting on 27 January 2012, the Bureau of the Parliamentary Assembly decided, in response to a letter dated 25 January 2012 from Ms Liliane Maury Pasquier, Chairperson of the Swiss parliamentary delegation, to refer to the Committee on Rules of Procedure, Immunities and Institutional Affairs for report the question of the status of chairpersons of political groups in Assembly committees.

2. The aforementioned letter proposes a modification to Rule 18.5 of the Assembly's Rules of Procedure to harmonise the "rights of the Chairs of the political groups in all the committees concerned, namely the Committee on the Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee), the Committee on Rules of Procedure, Immunities and Institutional Affairs and the Committee on Political Affairs and Democracy".

2. Rules in force

3. In application of the Assembly's Rules of Procedure, certain Assembly members have a right to sit on committees as *ex officio* members. However, there is no harmonisation of the relevant provisions regarding the associated participation rights.

2.1. Chairpersons of political groups as ex officio members

4. Under the Assembly's Rules of Procedure:

– the chairpersons of political groups are *ex officio* members of the Bureau and the Standing Committee with the right to vote (Rule 18.4) and members of the Presidential Committee (Rule 13.4);

– chairpersons of political groups who are not appointed to the Committee on Political Affairs and Democracy in accordance with Rule 43.7 shall be *ex officio* members of that committee, in whose activities they shall participate including as a rapporteur, but may not take part in votes, nor be elected to the Bureau of that committee and its sub-committees (Rule 18.5);

– chairpersons of political groups are *ex officio* members of the Committee on Rules of Procedure, Immunities and Institutional Affairs (Rule 43.3.*b*); the Rules of Procedure contain no restriction on their participation in the work of that committee: they have the right to vote and could be appointed rapporteurs or be elected to the bureau of the committee.

2.2. Other ex officio members

5. It might be helpful for the Rules Committee when reflecting on the rights which the chairpersons of political groups enjoy or could enjoy, to take into account the situation of other *ex officio* members of certain committees, namely:

– the chairpersons of the Committee on Political Affairs and Democracy and of the Committee on Legal Affairs and Human Rights are *ex officio* members of the Committee on the Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee) (Rule 43.1); they therefore have the right to vote in the Monitoring Committee; in theory they could also be appointed rapporteurs (although this has never happened);

– the outgoing President of the Assembly, if he or she remains a member of the Assembly, is an *ex officio* member of the Committee on Political Affairs and Democracy (Rule 19.3), but may not take part in votes, nor be appointed rapporteur, nor be elected to the bureau of that committee and its sub-committees.

2.3. Considerations taken into account by the Assembly when adopting these provisions

6. The Assembly decided to grant the status of member of the Political Affairs Committee to the chairpersons of the political groups (and to the outgoing President of the Assembly) by Resolution 1284 (2002).[3] Prior to that resolution, the chairpersons of the political groups could take part in the meetings of that committee without the right to vote. This change to the Rules of Procedure was prompted by a proposal from

3. See also the report presented by the Committee on Rules of Procedure and Immunities (Doc. 9455).

the Presidential Committee. At the time, the Presidential Committee felt that granting the status of *ex officio* member to the outgoing President and the chairpersons of the political groups would enable the Committee on Political Affairs and Democracy to benefit from their political experience.

3. Points for consideration

7. The Rules Committee was invited to reflect on the need to amend the Rules of Procedure regarding the status of chairpersons of political groups as *ex officio* members of certain committees. The points below offered some food for thought.

3.1. Status and role of chairpersons of political groups

8. The Rules of Procedure do not specify the role of the chairpersons of political groups and Rule 18 merely lists the Assembly bodies and committees on which they sit as *ex officio* members. In principle, the role of the chairperson of a political group is to preside over the group's meetings and to represent that group. It is therefore necessary to assess the rights and responsibilities which could fall to the chairpersons of political groups in committees, as *ex officio* members, in the light of their "statutory" role, insofar as they are supposed to be the spokespersons of their own group on the questions being discussed and to present their group's position. This particular situation accounts for the limits laid down by the Rules of Procedure regarding the fact of being unable to be a member of the bureau of the committee or have the right to vote.

9. In this connection, the rules of procedure or statutes of the political groups in the Parliamentary Assembly provide some relevant points regarding the role of their chairperson:[4]

– under the Rules of Procedure of the Group of the European People's Party (EPP/CD), the group is led by the bureau, of which the Chair (President) is a member; it is the Chair's role to represent the group in external matters (Article 14), and to convene and chair the meetings of the organs of the group (Article 16);

– under the statute of the Socialist Group (SOC), the group is led by the bureau; the Chair (President) is a member of the bureau and convenes the plenary Assembly of the group. With regard to the committees of the Parliamentary Assembly, the bureau appoints a delegate responsible for each committee of the Assembly, who shall in particular co-ordinate the activities of the Socialist Group within the committee, endeavour to reach an agreement between the socialist members during the voting, prepare themes for resolutions and recommendations, and proposals for the nomination of committee rapporteurs and experts (Article III.C);

– Article 6 of the rules of procedure of the Alliance of Liberals and Democrats for Europe (ALDE) provides that the Chair represents the group in its external relations and in the organs of the Assembly in which the political groups have *ex officio* membership. The Chair is a member of the bureau and presides over the meetings of the group and submits proposals for policy decisions. The Chair is also responsible for communications made on behalf of the group;

– the rules of procedure of the European Democrat Group (EDG) simply provide that the Chair of the group is responsible for the day-to-day management of the group's affairs (Article 6.*d*), convenes the meetings of the group and is a member of the bureau over whose meetings he or she presides.

10. By way of comparison, in other inter-parliamentary institutions and in the European Parliament, the chairpersons of political groups are not *ex officio* committee members or *ex officio* members of some of them. They may, in accordance with customary parliamentary practice, be *ex officio* members of the institution's decision-making body (for example, the European Parliament's Conference of Presidents). In some organisations – such as the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE), the Parliamentary Assembly of the North Atlantic Treaty Organization (NATO), the Parliamentary Assembly of La Francophonie and the Mediterranean Parliamentary Assembly – the rules make no provision regarding political groups.

11. In addition, Rule 12 of the Rules of Procedure of the Council of Europe Congress of Local and Regional Authorities provides that: "A president of a political group may not at the same time … be a chair of a committee, or act as rapporteur or head of delegation during election observation exercises."

4. It should be noted that the Group of the Unified European Left (UEL) does not have any formal rules of procedure.

3.2. Possible change to the status

12. The current rules are not harmonised regarding the status of chairpersons of political groups in committees. Therefore, the following points must be considered:

– Of what committees should the chairpersons of political groups be *ex officio* members? The two committees of which they are currently members (Committee on Political Affairs and Democracy, and the Rules Committee)? Other committees (such as the Monitoring Committee, as the Swiss delegation would like)? Is there a case for making *ex officio* membership apply to all eight Assembly committees?

– Should the chairpersons of political groups, as *ex officio* members, be granted all the rights enjoyed by committee members? The right to vote? To be appointed rapporteur? To be a member of the bureau of a committee or sub-committee?

– Should the chairpersons of political groups be *ex officio* members of the sub-committees of the committees concerned?

3.3. Consequences for the functioning of the Assembly

13. Other factors need to be taken into account:

– the impact which the appointment of chairpersons of political groups as *ex officio* members of certain committees could have on the balance of the prerogatives of national delegations in committees;

– the consequences for the way the relevant committees would operate resulting from the increase in the number of members (to 89), for instance regarding the application of the quorum rule (with the quorum increasing to 30 members for committees with 89 seats filled);

– the imbalance in the representation of certain national delegations (those of which the group chairpersons were members and which would therefore have additional representation).

4. Comments by the committees

14. In order to finalise his proposals to the Rules Committee and the Assembly, the rapporteur decided to consult in full transparency the seven other Assembly committees and send their chairpersons a questionnaire setting out the questions indicated in paragraph 12 above. The committees have managed to take stances on the questions raised in due time. The rapporteur wishes to express his sincere gratitude to his colleagues for their diligent work.

15. Three committees have come out in favour of harmonising the status of the chairpersons of political groups in the committees concerned:

– the *Committee on Political Affairs and Democracy* concluded at its meeting on 10 September 2012 that the status of the chairpersons of political groups should be harmonised and its members came out in favour of granting them the status of *ex officio* members of the Committee on Political Affairs and Democracy, with the same rights as the other members of the committee;

– the members of the *Committee on Social Affairs, Health and Sustainable Development*, meeting on 7 September 2012, were in favour of harmonisation of the rights of chairpersons of political groups in the two committees of which they were already *ex officio* members, the Committee on Political Affairs and Democracy and the Committee on Rules of Procedure, Immunities and Institutional Affairs. The committee believed that the chairpersons of political groups should also enjoy all rights within the Committee on Political Affairs and Democracy, including the rights to vote, to be appointed rapporteurs or be elected to the bureau of the committee or one of its sub-committees. The committee was against extending the participation of the chairpersons of political groups to other committees;

– the *Committee on Culture, Science, Education and Media*, meeting on 2 October 2012, expressed the view that the chairpersons of political groups, in addition to their present assignments, could be *ex officio* members of the Committee on Political Affairs and Democracy (with all related rights); however, it concluded that they should not be *ex officio* members of other committees.

16. Four committees have come out in favour of keeping the Rules of Procedure as they stand:

– the *Committee on Legal Affairs and Human Rights*, meeting on 6 September 2012, “unanimously expressed a preference for the status quo”;

– the *Committee on Equality and Non-Discrimination*, meeting on 13 September 2012, also recommended that the current status of the chairpersons of political groups in committees be maintained, concluding that "a harmonisation of the rights of *ex officio* members would be advisable. However, the committee was against increasing the number of committees of which chairpersons of political groups can be *ex officio* members". The committee believed that granting the chairpersons of political groups the status of *ex officio* members of other committees would be contradictory to the spirit of the recent reform of the Assembly, which aims to increase participation and engagement amongst all members. In addition, it would create great disparity between chairpersons of political groups and ordinary members, as the latter cannot be members of more than two committees;

– the *Committee on Migration, Refugees and Displaced Persons*, meeting on 14 September 2012, also concluded that the status quo should be maintained;

– lastly, the *Monitoring Committee*, meeting on 2 October 2012, also supported the view that the status quo as regards the status of the chairpersons of political groups in committees should be maintained. It recalls that the committee has specific operating rules (with regard to the limited number of members of national delegations from a State under monitoring procedure or involved in a post-monitoring dialogue, or to the apportionment of rapporteurships) which may be more complicated to implement if chairpersons of political groups were appointed *ex officio* members.

5. Committee's proposals

17. In the light of the comments received, the Rules Committee wishes to make the following proposals:

– the status of the chairpersons of the political groups shall be harmonised on the basis of the existing rules and they shall be granted the status of *ex officio* members of the Committee on Political Affairs and Democracy and the Monitoring Committee (in addition to the Rules Committee);

– from the entry into force of the resolution to be adopted, the chairpersons of the political groups will be *ex officio* members of the Committee on Political Affairs and Democracy and the Monitoring Committee and will have the same rights as the other members of these committees (right to vote, right to be members of the bureau, right to be members of the sub-committees and their bureaux, in accordance with Rule 48.6 of the Rules of Procedure), this being the status which they already hold on the Committee on Rules of Procedure, Immunities and Institutional Affairs.

18. The Assembly's Rules of Procedure should therefore be amended:

– by replacing Rule 18.5 as follows: "Chairpersons of political groups are *ex officio* members of the Committee on Political Affairs and Democracy, the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and the Committee on Rules of Procedure, Immunities and Institutional Affairs. Rule 43.6 shall not apply to them.";

– by amending Rule 43.1 as follows: "Committee on Political Affairs and Democracy (89 seats)" and "Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) (89 seats)";

– in Rule 43.3, by replacing "the 84 members of the Monitoring Committee" with "84 of the 89 members of the Monitoring Committee" and deleting the words "Chairpersons of political groups shall be *ex officio* members of the committee";

– in Rule 48.3, by replacing the words "A committee of 84 seats" with "A committee of 84 or 89 seats".

19. It should also be noted that increasing the number of members of the Committee on Political Affairs and Democracy and the Monitoring Committee to 89 has consequences for the calculation of the quorum of one third of the members provided for in Rule 46.3.

20. Once the resolution has been adopted, the changes in the rules will enter into force at the opening of the 2013 ordinary session (21 January 2013).