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(Final version)

Modification of the Assembly's Rules of Procedure: the impact of the budgetary crisis on the list of working languages of the Assembly

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A. Draft Resolution

1. The Parliamentary Assembly expresses its great concern at the unprecedented budgetary crisis affecting the Council of Europe as a whole.
2. The Council of Europe must face a cumulative financial risk of €42.65 million for the first time in its history. This risk may increase in the course of 2018. Turkey's decision to renounce the status of major contributor to the Organisation's budget has resulted in a €20 million reduction in the latter's budgetary resources. In parallel with Turkey's decision, since July 2017 the Council of Europe has been confronted with a decision by the Russian Federation to suspend payment of two thirds of its contributions due under the 2017 budget, amounting to €22.65 million. Lastly, the Committee of Ministers, by maintaining a strict zero nominal growth policy for 2018 and 2019, is obliging the Organisation to identify additional savings in the ordinary budget.
3. The draconian reduction in the Assembly's budget for 2018 and 2019, a consequence of Turkey's decision to revert to its initial status of ordinary contributor to the Council of Europe budget, calls for drastic measures. The first of these is to no longer cover out of the Assembly budget the cost of interpretation in Turkish in plenary sittings and in committee meetings or the publication of the reports of debates in Turkish and the translation of adopted texts into this language, since these expenses – €700 000 per year – are no longer financed in the Assembly budget by the payment of the corresponding grant from the Council of Europe's ordinary budget.
4. In this connection, the Assembly refers to the clear position it adopted, notably in Resolution 2058 (2015) on the allocation of seats in the Parliamentary Assembly with respect to Turkey, making the introduction of Turkish as a working language of the Assembly strictly conditional upon the Committee of Ministers' decision to approve Turkey's request to become a major contributor to the Council of Europe's budgets and to allocate the Assembly the corresponding funds.
5. The Assembly's budgetary difficulties have been magnified by the decisions taken by the Committee of Ministers and the Russian Federation's refusal to pay the first third of its contribution to the 2018 budget. Out of a total budget of just under €17.5 million, the Assembly shall freeze €1.5 million of its appropriations in 2018, namely nearly 9% of its total budget; with respect to 2019, however, these €1.5 million might have to be permanently removed from the budget altogether. The Assembly can only express its strongest dissatisfaction at being forced to make such massive cuts in its own budget, considerably weakened by a decade of budgetary restrictions.

Amendment 1

Tabled by Mr Akif Çağatay KILIÇ, Mr Şaban DİŞLİ, Mr Mustafa YENEROĞLU, Mr Cemalettin Kani TORUN, Mr Emanuelis ZINGERIS

In the draft resolution, at the end of paragraph 4, add the following sentence:

"However, the main objective of stipulating the Committee of Ministers' decision to approve was to ensure the involved allocation in the ordinary budget of the Council of Europe."

6. Consequently, in the light of the above considerations, the Assembly decides to amend its Rules of Procedure concerning the languages, as follows:
- 6.1. replace Rule 28.3 with the following sentence: “The working languages of the Assembly shall be those of the member States which are major contributors to the Council of Europe budget, provided that the necessary appropriations for their funding are entered in the Assembly’s budget”;
- 6.2. replace Rule 30.1 with the following: “Interpretation during the meetings of the committees and the Bureau shall be provided in the official languages and, for working languages, under the conditions stipulated in Rule 28.3. Interpretation at meetings of the Committee on the Election of Judges to the European Court of Human Rights and in sub-committees shall be limited to official languages.”
7. The Assembly decides that the changes to the Rules of Procedure set out in this resolution shall enter into force as from their adoption.
8. It recalls that, in accordance with Rule 29.2 of the Rules of Procedure, the Turkish parliamentary delegation can return to the practice prior to 2016 and continue to benefit from interpretation in Turkish so long as the cost is borne by the Turkish Parliament.
9. The Assembly considers that it has not been able to present the Committee of Ministers with an informed opinion on the Council of Europe’s 2018-2019 budget. It therefore decides to closely monitor the Organisation’s budgetary situation and reserves the possibility to address further recommendations on this matter to the Committee of Ministers, in particular if the Russian Federation maintains its position in 2018 to refuse to fulfil its financial obligations.

Amendment 2

Tabled by Mr Akif Çağatay KILIÇ, Mr Şaban DİŞLİ, Mr Mustafa YENEROĞLU, Mr Cemalettin Kani TORUN, Mr Emanuelis ZINGERIS

In the draft resolution, paragraph 6.1., replace the words:

“are major contributors to the Council of Europe budget, provided that the necessary appropriations for their funding are entered in the Assembly’s budget” by the words “pay a specific voluntary contribution to the Assembly budget to offset the cost of a working language”

Amendment 3

Tabled by Mr Akif Çağatay KILIÇ, Mr Şaban DİŞLİ, Mr Mustafa YENEROĞLU, Mr Cemalettin Kani TORUN, Mr Emanuelis ZINGERIS

In the draft resolution, delete the last sentence of paragraph 6.2.

Amendment 4

Tabled by Mr Akif Çağatay KILIÇ, Mr Şaban DİŞLİ, Mr Mustafa YENEROĞLU, Mr Cemalettin Kani TORUN, Mr Emanuelis ZINGERIS

In the draft resolution, delete paragraph 8.

B. Draft Recommendation

1. The Parliamentary Assembly is deeply concerned about the financial situation of the Council of Europe and regrets Turkey's decision to end its status as a major contributor to the Organisation and the speed with which this decision has been implemented, depriving the Organisation of the time needed to make the necessary adjustments.
2. Referring to Resolution ... (2018) "Modification of the Assembly's Rules of Procedure: the impact of the budgetary crisis on the list of working languages of the Assembly", the Assembly informs the Committee of Ministers that, among the measures which it is forced to take because of the drastic reduction of its budget for 2018 and 2019, it has decided to reduce the number of its working languages, as the relevant expenses are no longer covered in the Assembly's budget by the payment of the corresponding funds from the Council of Europe's ordinary budget.
3. In this connection, the Assembly refers to the clear position which it took in Recommendation 2072 (2015) on the allocation of seats in the Parliamentary Assembly with respect to Turkey, making the introduction of Turkish as a working language in the Assembly strictly conditional upon the Committee of Ministers' decision to allocate to it in the biennial budget for 2016-2017 and in subsequent budgets the necessary and adequate financial allocations.
4. The Assembly has serious questions about the nature of the "exceptional circumstances" which, under the Committee of Ministers' decision of 10 November 1994 (95th session), enable the Committee of Ministers to exonerate the Russian Federation from its financial obligations to the Organisation for two years, the Russian Federation having frozen all payments to the Organisation since July 2017. The reasons given by the Russian Federation to absolve itself from its commitments do not in any way tally with such circumstances.
5. Given the Organisation's critical budgetary situation, the Assembly is surprised that the Committee of Ministers, the Council of Europe's decision-making body, has not ensured compliance with the provisions of the Statute of the Council of Europe (ETS No. 1) and specifically reminded the Russian Federation of the terms of Article 39 of the Statute, according to which member States' contributions to the Organisation's budget must be paid to the Secretary General "not later than six months" after notification of the amount. The Assembly urges the Committee of Ministers to take the necessary measures, for which it alone is responsible, namely implementation of Article 9 of the Statute.

Amendment 5

Tabled by Mr Akif Çağatay KILIÇ, Mr Şaban DİŞLİ, Mr Mustafa YENEROĞLU, Mr Cemalettin Kani TORUN, Mr Emanuelis ZINGERIS

In the draft recommendation, delete paragraph 2.

Amendment 6

Tabled by Mr Akif Çağatay KILIÇ, Mr Şaban DİŞLİ, Mr Mustafa YENEROĞLU, Mr Cemalettin Kani TORUN, Mr Emanuelis ZINGERIS

In the draft recommendation, paragraph 3, delete the phrase "In this connection" and add the following sentence at the end of the paragraph:

"As long as Turkey's voluntary contributions continue, the Committee of Ministers is expected to allocate the necessary and adequate financial allocations."

6. Referring to the position which it took in Opinion 294 (2017) "Budget and priorities of the Council of Europe for the biennium 2018-2019", the Assembly expects the Committee of Ministers and member States of the Council of Europe to resolutely support the capacities and resources of the Council of Europe. The Assembly deplores the fact that the passive attitude of some member States led the Committee of Ministers to maintain zero nominal growth when adopting the Council of Europe's 2018-2019 budgets, while only a minority of them are blocking the decision to return to zero real growth, which is vital to halt the erosion of the Organisation's financial resources.
7. The Committee of Ministers must meet its obligations and defend the Council of Europe: the member States must be ready to pay the price for having an efficient Organisation that is unique in its areas of responsibility. It believes that if one or more States fail to meet their obligations, the others must jointly ensure the funding of the Organisation's basic expenses and, in any case, guarantee the long-term operation of the two statutory organs, the European Court of Human Rights, the Office of the Council of Europe Commissioner for Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the major Partial Agreements and the convention monitoring bodies.
8. Given the seriousness and the exceptional nature of the budgetary crisis facing the Council of Europe, the Assembly expects the Committee of Ministers to:
 - 8.1. formally call on the Russian Federation to honour without delay its financial obligations and pay the sums which it owes the Organisation; in this connection, it believes that the reasons given by the Russian Federation to absolve itself from its commitments do not in any way tally with "exceptional circumstances" and that the Committee of Ministers should remind the Russian Federation of the need to honour its financial obligations, in accordance with Articles 39 and 9 of the Statute of the Council of Europe;
 - 8.2. review the decision which it took at its 95th session (10 November 1994) concerning the application of Article 9 of the Statute with all the diligence, urgency and thoroughness which the situation demands, and establish compliance by the member States with the common deadline of six months provided in Article 39 as the basis for imposing sanctions on member States which fail to meet all or a substantial portion of their financial obligations;
 - 8.3. with a view to sound risk management and in order to ensure greater budgetary predictability and stability, revise the Council of Europe's Financial Regulations and introduce precise rules on member States acceding to or withdrawing from the status of major contributor, in particular by introducing a minimum period for holding that status, of at least six years (three biennial budgetary exercises), and a waiting period following notification of a decision to withdraw from the status, which must not come into effect until at least one year later;

Amendment 7

Tabled by Mr Jonas GUNNARSSON, Ms Maria GUZENINA, Ms Rósa Björk BRYNJÓLFSDÓTTIR, Ms Elvira KOVÁCS, Ms Aleksandra TOMIĆ

In the draft recommendation, paragraph 7:

delete all the words after "Organisation's basic expenses".

- 8.4. raise the rate of default interest payable by defaulting member States to a level sufficient to have a genuine deterrent effect.
9. The Assembly urges the Committee of Ministers and all member States to make available to the Organisation, in a reserve account, the unspent balance which may be identified at the closing of the 2017 accounts, instead of returning to States the unspent amounts resulting from savings relating to the measures implemented across the Council of Europe in the second half of 2017. The Assembly points out in this connection that if the Russian Federation were to pay its unpaid contribution to the 2017 budget, the sums in question would not be paid into the Organisation's 2018 budget but would be counted as part of the unspent balance for 2017. The use of funds put in reserve would remain subject to the decisions of the Committee of Ministers on the basis of proposed allocations submitted by the Secretary General of the Council of Europe.
10. The financial future of the Council of Europe depends heavily on the Committee of Ministers: this is a unique opportunity for member States to confirm their support for an irreplaceable Organisation. The Council of Europe has a cost; it also has a price: for certain States a few million euros less is the price of abandoning and breaking with the commitment to support the principles and values of the Council of Europe. The Assembly therefore invites the Committee of Ministers to place this matter high on the agenda of its 128th ministerial session (Denmark, 18 May 2018).