

The Session

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Monday 21 January 2008

Final version

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21-25 January 2008

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The 47

The Council of Europe brings together 47 democracies including 22 central and eastern European countries. Today, the Organisation has almost completed its enlargement but continues to increase its monitoring to ensure that all its members respect the obligations and commitments they entered into when they joined.



Member states: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom.

The Parliamentary Assembly

The Parliamentary Assembly brings together 636 members (318 representatives and 318 substitutes) from the national parliaments of the 47 member states of the Council of Europe.

Countries that have joined the Council of Europe since November 1990: Hungary (1990), Poland (1991), Bulgaria (1992), Estonia, Lithuania, Slovenia, Slovak Republic, Czech Republic, Romania (1993), Andorra (1994), Latvia, Albania, Moldova, "the former Yugoslav Republic of Macedonia", Ukraine (1995), the Russian Federation, Croatia (1996), Georgia (1999), Armenia, Azerbaijan (2001), Bosnia and Herzegovina (2002), Serbia and Montenegro (2003), replaced by Serbia (2006), Monaco (2004), Montenegro (2007).

Applications for membership: Belarus (12 March 1993).

The Special Guest status of the Belarus parliament was suspended on 13 January 1997.

The parliaments of Canada (1997), Israel (1957) and Mexico (1999) hold observer status with the Assembly.

The political groups



187

Group of the European People's Party (EPP/CD)



183

Socialist Group (SOC)



98

Alliance of Liberals and Democrats for Europe (ALDE)



92

European Democrat Group (EDG)



37

Group of the Unified European Left (UEL)

The Assembly committees

84 seats

Political Affairs
Legal Affairs and Human Rights
Economic Affairs and Development
Social, Health and Family Affairs
Migration, Refugees and Population
Culture, Science and Education
Environment, Agriculture and Local and Regional Affairs
Equal Opportunities for Women and Men
Honouring of obligations and commitments by member states of the Council of Europe (Monitoring)

27 seats

Rules of Procedure, Immunities and Institutional Affairs



Monday 21 January 2008

Morning (11.30 a.m.-1 p.m.)

◆ Opening of the first part of the 2008 Ordinary Session

The *doyen d'âge*, or oldest member of the Assembly present, Miguel Barceló Pérez (Spain, EPP/CD), presided as provisional President until the election of the President of the Assembly.

Examination of credentials

The credentials of the members of national delegations to the Assembly – submitted by national parliaments – were ratified by the Assembly.

Election of the President of the Assembly

Lluís Maria de Puig (Spain, SOC) was elected President of the Assembly for a term of one year.

Election of the Vice-Presidents of the Assembly

The Assembly elected nineteen Vice-Presidents in accordance with the system for rotation of Bureau seats agreed by the Assembly. The Vice-Presidents elected are: Fátima Aburto Baselga (Spain), Miloš Aligrudić (Serbia), Aleksander Biberaj (Albania), Joan Albert Farré Santuré (Andorra), Andreas Gross (Switzerland), Davit Harutyunyan (Armenia), Serhiy Holovaty (Ukraine), Joachim Hörster (Germany), Mladen Ivanić (Bosnia and Herzegovina), Danuta Jazłowiecka (Poland), Konstantin Kosachev (Russia), Göran Lindblad (Sweden), Jean-Claude Mignon (France), Fritz Neugebauer (Austria), John Prescott (United Kingdom), Andrea Rigoni (Italy), Samad Seyidov (Azerbaijan), Paul Wille (Belgium), Boris Zala (Slovakia). The post of Vice-President in respect of Cyprus remains vacant.

Appointment of members of committees

The Assembly appointed the members of its eight general committees, the Monitoring Committee and the Committee on Rules of Procedure, Immunities and Institutional Affairs.

Requests for debates under urgent or current affairs procedure

There have been no requests for urgent or current affairs debates.

Adoption of the agenda

The Assembly adopted its agenda, which will be published and made available to members at the document counter from Tuesday morning. This version of *The Session* has also been updated to reflect the final agenda.

Adoption of the minutes of the meeting of the Standing Committee (23 November 2007, Bratislava)

The Assembly adopted the minutes of the meeting of the Standing Committee in Bratislava.

- ♦ Progress report of the Bureau of the Assembly and the Standing Committee

Doc. 11490 Parts I and II, and addendum, and Docs 11473 and 11496

Rapporteur: René van der Linden (Netherlands, EPP/CD)

The progress report covers the discussions held and decisions reached by the Bureau and the Standing Committee since the last part-session, including reports on the Assembly's observations of the parliamentary elections in the Russian Federation (2 December 2007), presented by Luc van den Brande (Belgium, EPP/CD), and the presidential election in Georgia (5 January 2008), presented by Mátyás Eörsi (Hungary, ALDE).

Monday 21 January 2008

☞ Afternoon (3 p.m.-5 p.m.)

- ◆ Address by Robert Fico, Prime Minister of Slovakia

Following his address, the Prime Minister will answer questions from members of the Assembly.

- ◆ Address by Frans Timmermans, Minister for European Affairs of the Netherlands

Following his address, the Minister will answer one question from a representative of each political group in the Assembly.

- ◆ Progress report of the Bureau of the Assembly and the Standing Committee (continued)

Tuesday 22 January 2008

☞ Morning (10 a.m.-1 p.m.)

◆ Election of judges to the European Court of Human Rights

Doc. 11446 rev. and addendum

Voting takes place from 10 a.m. to 1 p.m., and from 3 p.m. to 5 p.m. in the area behind the presidential rostrum

According to the European Convention on Human Rights, the six-year terms of office of half the judges of the European Court of Human Rights expire every three years, resulting in a periodic renewal of half the Court. The procedure for this renewal, together with the need to fill casual vacancies caused by judges who have reached the age-limit of 70 years or otherwise resigned, has meant a number of elections are now due.

Under the Convention, each judge is elected by the Parliamentary Assembly from a list of three candidates presented by the Contracting State concerned. To assist it in making its decision, the Assembly has asked its Sub-committee on the election of judges to the European Court of Human Rights to make confidential recommendations based on personal interviews with all the candidates and assessments of their CVs.

Under the Assembly's Rules of Procedure, an absolute majority of votes cast is required in the first round of voting. If this is not achieved, a second round of voting will take place on Wednesday 23 January, for which a relative majority of votes will be sufficient.

Contact in the secretariat: Andrew Drzemczewski, tel. 2326.

◆ Developments as regards the future status of Kosovo

Doc. 11472

Report of the Political Affairs Committee

Rapporteur: Lord Russell-Johnston (United Kingdom, ALDE)

Opinion of the Committee on Legal Affairs and Human Rights

Rapporteur: Pieter Omtzigt (Netherlands, EPP/CD)

Finding a solution to Kosovo's status, with all its regional and wider international implications, is vital to Europe's long-term stability, according to the Political Affairs Committee, yet after more than two years of UN-sponsored negotiations – including the Ahtisaari Plan for supervised independence – the parties have been unable to reach a compromise.

The potential for finding such a compromise is now exhausted, according to the committee, and the UN Security Council should overcome existing differences and impose a solution. But if it proves unable to reach a unanimous position, it is not to be excluded that Kosovo unilaterally declares independence. In this case, the EU should endeavour to achieve a single position towards such a declaration, the committee said.

In his memorandum, rapporteur Lord Russell-Johnston said that in the absence of a mutually-accepted solution, independence was – for him – the only viable solution, and said it was not unreasonable to

question Serbia's "moral right" to govern Kosovo given the disastrous policies of the past. But the Serbian parliamentary delegation, in a dissenting opinion, said it was premature to draw the conclusion that negotiations have failed for good, and called for continuing efforts to find a compromise within the framework of international law.

The committee calls on all parties to refrain from any incitement to violence. Regardless of what solution is found, it points out, Kosovo should be a multi-ethnic area safe for all those who live in it, where Council of Europe standards are fully enforced.

Contact in the secretariat: Sonia Sirtori, tel. 2370.

◆ Address by Ferenc Gyurcsány, Prime Minister of Hungary

Following his address, the Prime Minister will answer questions from members of the Assembly.

Tuesday 22 January 2008

☞ Afternoon (3 p.m.-8 p.m.)

- ◆ Communication from the Committee of Ministers to the Parliamentary Assembly presented by Jan Kubiš, Minister for Foreign Affairs of Slovakia, Chairperson of the Committee of Ministers

Following his presentation, the Chairperson will answer questions from members of the Assembly.

- ◆ Communication from Terry Davis, Secretary General of the Council of Europe, on the state of the Council of Europe

Following his presentation, the Secretary General will answer questions from members of the Assembly.

- ◆ Developments as regards the future status of Kosovo (continued)

- ◆ Joint debate on the environment

Global warming and ecological disasters

Doc. 11476

Report of the Committee on the Environment, Agriculture and Local and Regional Affairs

Rapporteur: Alan Meale (United Kingdom, SOC)

Climate change affects the basics – access to water, food production, health and the environment – for people all over the world, and Europe will not be spared its effects in the form of extreme weather conditions, reduced fresh water and greater international tension or even war, according to the Environment Committee.

Already, temperatures in the Arctic – part of which falls within Council of Europe territory – are rising twice as fast as the global average, and in even the most optimistic estimation of UN experts there will

be an average rise globally of between 1.8°C and 4.0°C if an effective worldwide policy to reduce climate change is not introduced quickly.

The Assembly should remain unswerving in its commitment to sustainable development, the Kyoto Protocol and the other UN efforts to control global warming, and should welcome the Nobel Peace Prize for Al Gore and the UN's IPCC for their efforts to increase knowledge of climate change. Meanwhile, the Stern Review – which calculated that the cost of climate change for the economy could be between 5 and 20 per cent or more of global GDP – has shown that while acting will cost a lot, waiting before acting will cost more in the long term.

Council of Europe member and observer states can cut emissions without necessarily capping rich or poor countries' aspirations for growth, the committee believes, and should make a precise commitment to set a binding target of reducing greenhouse gases by between 20 and 30 per cent by 2020, following the EU's lead. They should also encourage carbon trading quotas, reduce deforestation, increase energy efficiency and use more "clean" and renewable energy, as well as informing individuals about what they can do to combat climate change.

Contact in the secretariat: Bogdan Torcatoriu, tel. 3282.

Protection of the environment in the Arctic Region

Doc. 11477

Report of the Committee on the Environment, Agriculture and Local and Regional Affairs

Rapporteur: Vladimir Grachev (Russian Federation, EDG)

Researchers believe the Arctic, because of its unique sensitivity to climatic variations, is the first to show signs of future climate change affecting the whole planet. The melting of the polar ice cap would result in rising sea-levels, changes in ocean currents (such as the Gulf Stream) and lower temperatures in Western Europe.

Meanwhile, up to 25 per cent of the world's resources of oil and gas lie in the far north, as well as rich mineral resources such as coal, copper, nickel and cobalt. While these deposits will be essential to Europe's energy supply, exploiting them involves highly polluting activities. What is needed, according to the committee, is a joint strategy to preserve the region for people, animals and plants alike.

Co-operation in the Arctic has made good progress, according to the committee – for example, the joint efforts of Norway and Russia to set up protected areas – and this type of co-operation should be extended to the whole region. States there should be encouraged to pool their efforts in the framework of the Arctic Council. Its declaration of 2007-2008 as "International Polar Year" at Russia's initiative has helped put the spotlight on the region and encourage research there, while a UN-sponsored plan of action to protect the Arctic marine environment in Russia has made positive progress, and should be seen as a model for the region.

Council of Europe member and observer states in the region should make preservation of Arctic ecosystems a key principle of all development, and work together to consider how the Arctic environment can be preserved in view of the greater exploitation of its natural resources that is likely to come. Uncontrolled development, unsustainable exploitation of its resources, and increased pollution must be avoided, while steps should be taken now to ensure that tourism is managed in an environmentally-friendly way.

Contact in the secretariat: Bogdan Torcatoriu, tel. 3282.

Wednesday 23 January 2008

☞ Morning (10 a.m.-1 p.m.)

◆ Election of judges to the European Court of Human Rights (possible second round)

Doc. 11446 rev. and addendum

Voting takes place from 10 a.m. to 1 p.m. in the area behind the presidential rostrum

Under the Assembly's Rules of Procedure, an absolute majority of votes cast is required in the first round of voting. If this is not achieved, a second round of voting will take place, for which a relative majority of votes is sufficient.

◆ United Nations Security Council and European Union blacklists

Doc. 11454

Report of the Committee on Legal Affairs and Human Rights

Rapporteur: Dick Marty (Switzerland, ALDE)

In 1999 the UN Security Council set up a system of targeted sanctions aimed at preventing the Taliban in Afghanistan from receiving funds or material support. The system – which obliges states to freeze the assets of and place a travel-ban on individuals, companies or organisations suspected of terrorist links – was quickly expanded to cover other terrorist groups, and after 9/11 the EU set up its own system based on similar principles. Some 370 individuals worldwide currently have their assets frozen and are banned from travelling under the UN blacklisting procedure and around 60 entities are thought to be on the EU blacklist.

Yet, according to the Legal Affairs Committee, under the procedures used by both the UN Security Council and the EU, sanctions can be imposed on the basis of mere suspicions. Even the committee taking the decision – behind closed doors – is not fully informed of the reasons by the state making the request for a blacklisting. The person or group concerned is not even informed of the decision, much less given a chance to be heard, and there is no independent review or appeal to an impartial body. Some individuals have discovered their blacklisting only when they attempted to cross a border or use their bank account.

Despite limited recent improvements, including the creation for the first time of a "de-listing" mechanism, such procedures are unworthy of international bodies such as the UN and the EU, breaching their own principles, and undermine the legitimacy of targeted sanctions in the fight against terrorism, according to the committee. Meanwhile, states expected to implement these sanctions risk violating their obligations under the European Convention on Human Rights, which guarantees basic principles of due process. They should be overhauled to make them fairer.

Contact in the secretariat: Günter Schirmer, tel. 2809.

◆ Address by Bamir Topi, President of Albania

Following his address, the President will answer questions from members of the Assembly.

Wednesday 23 January 2008

Afternoon (3 p.m.-7.30 p.m.)

◆ Joint debate on the external relations of the Parliamentary Assembly

Strengthening co-operation with the Maghreb countries

Doc. 11474

Report of the Political Affairs Committee

Rapporteur: Josette Durrieu (France, SOC)

The Assembly has long been keen to promote the Council of Europe's values in the areas beyond its borders, not least in the three Maghreb countries of Algeria, Tunisia and Morocco, which it regards as key partners and pillars of stability in the Euro-Med region. However, all three are still governed by authoritarian regimes which restrict political pluralism and public freedoms, such as a free media. Radical Islam still affects these countries, and remains a fertile breeding ground for terrorism, though there are interesting discussions – particularly in Tunisia – on how to integrate moderate Islam into the political scene.

On the other hand, all three have instituted a moratorium on the death penalty, which is to be welcomed, while Algeria and Morocco have begun to seriously discuss the active promotion of human rights as a way of encouraging political stability. Substantial progress has been made in terms of gender equality, and education is a priority across the region.

The Political Affairs Committee points out that all three countries are in favour of stronger ties with Europe and the Council of Europe, some of whose bodies they have already joined, and believes the time has come for deeper and wider co-operation. Algeria, Morocco and Tunisia could make more use of Council expertise, where it is available to them, while their parliaments could push for the democratic reforms that would bring them closer to the Council's values. For its part, the Assembly should invite parliamentary delegations from the three to take part in its work, and consider what form "special relations" with them could take.

Statement by Abdelaziz Ziari, President of the National People's Assembly of Algeria

Contact in the secretariat: Laurent Pfaadt, tel. 3453.

The situation in the Republics of Central Asia

Doc. 11460

Report of the Political Affairs Committee

Rapporteur: Murat Mercan (Turkey, EPP/CD)

The countries of Central Asia – Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (Kazakhstan is the subject of a separate report) – are not potential candidates for joining the Council of Europe, but they share common problems, and the Council is still interested in promoting stability and democratic transition in a region which forms part of its immediate neighbourhood.

All four countries proclaimed transformation into free democratic societies as their strategic goal when they became sovereign in 1991, but the transition process has so far brought mixed results, ranging from limited improvement to complete failure. Though the situation differs from one country to

another, democratic institutions are weak if not a mere imitation, while political opposition is barely tolerated and human rights are routinely abused. Civil society remains fragile, corruption and abuse of power are widespread, torture and ill-treatment is commonplace. These failures create a real risk of social explosion, political collapse and the outbreak of large-scale violence. Meanwhile, ordinary citizens may find the image of a just society based on Islamic law an increasingly attractive alternative to the existing regimes.

In order to avoid such a scenario, according to the Political Affairs Committee, the authorities of these states need to urgently engage in reforms aimed at good governance, institutional modernisation and political liberalisation.

For its part, the Council of Europe should, in co-operation with the EU and the OSCE, do its best to help them achieve this by sharing its extensive experience of democratic transition. Member states should talk with these countries regularly, including on issues of democracy and human rights, while the Assembly should be ready to establish dialogue at parliamentary level, and invite the representatives of Central Asian states to participate in its activities, where relevant.

Contact in the secretariat: Pavel Chevtchenko, tel. 3835.

The Council of Europe and its observer states – the current situation and a way forward

Doc. 11471

Report of the Political Affairs Committee

Rapporteur: David Wilshire (United Kingdom, EDG)

Opinion of the Committee on Legal Affairs and Human Rights

Rapporteur: Pieter Omtzigt (Netherlands, EPP/CD)

The idea behind observer status is to create a framework for co-operation with non-member states who nonetheless share the ideals and values of the Council of Europe. Since 1993, any state willing to accept the principles of democracy, human rights and the rule of law has been able to apply, and so far the United States (1995), Canada (1996), Japan (1996) and Mexico (1999) have successfully done so. The Holy See, which acquired observer status in 1970 before any formal arrangements were in place, made no undertakings and is considered a special case.

No formal commitments are laid down, and observers are not legally bound by Council standards, but it can be argued that the four to apply since 1993 nonetheless made an implicit political commitment to respect basic Council principles – a situation which has been a source of misunderstanding in the past, notably with the United States and Japan as concerns the death penalty.

The Political Affairs Committee believes this potential confusion should be put right in the future: applicants for observer status should be invited to commit themselves to a number of clearly-defined standards, while existing observer states could be invited to comply with a mutually-agreed set of standards on a voluntary basis. In the meantime, observer states should be invited to make full use of the Council as a forum which seeks answers to common challenges and as a standard-setting body, and to take part in those of its mechanisms open to them, should they so wish.

As regards the Assembly, it appreciates some observers' active involvement in its debates – including Japan's involvement in the enlarged OECD debate – but recognises more needs to be done to establish a close working relationship with members of the US Congress. All the observers should also be invited to take part in the Assembly's regular debates on human rights and democracy, and be more closely associated with its bodies and its work.

Contact in the secretariat: Pavel Chevtchenko, tel. 3835.

♦ Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament

Doc. 11465 rev.

Report of the Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Karim Van Overmeire (Belgium, NR)

A parliamentary opposition carries out important tasks for the proper functioning of a democracy, vital for the public good, such as holding the government to account for its actions, and providing alternative policy options. Opposition members, for their part, should show political maturity and use their powers to enhance the efficiency of parliament as a whole, and not just to criticise. Yet opposition rights are currently treated in different ways in Council of Europe member states, ranging from informal recognition in parliamentary Rules of Procedure through to formal recognition in a state's constitution.

The Rules Committee believes the opposition should be entitled to a clearly-defined status which should guarantee parliamentarians not from the ruling party the right to free speech, to scrutinise government action and question the authorities, and to receive the same information as parliamentarians from ruling parties. The opposition should be able to call a session of the parliament (if a quorum of a quarter of its members is reached), regularly determine its agenda, demand debates and request the setting-up of committees of inquiry on which it is prominently represented.

The governing bodies of a parliament should represent opposition members according to their political strength, and the post of Vice-President and other positions of responsibility should be open to them. The chairmanships of permanent committees, the composition of all committees and rapporteurships within committees should all be allocated proportionally – though an opposition member should generally chair committees whose task is to monitor government action, such as those which scrutinise the budget or oversee the security services. Oppositions should have the right to apply to the Constitutional Court or other competent body to review laws.

Finally, national parliaments should provide political groups or individual opposition members with the financial and material resources necessary to perform their duties, as well as full access to the media, including public radio and TV channels. Parliamentary rules – and especially those governing opposition rights – should not be altered after each election.

Contacts in the secretariat: Mario Heinrich, tel. 2097, and Valérie Clamer, tel. 2106.

Thursday 24 January 2008

☞ Morning (10 a.m.-1 p.m.)

◆ Disappearance of new-born babies for illegal adoption in Europe

Doc. 11461

Report of the Social, Health and Family Affairs Committee

Rapporteur: Ruth-Gaby Vermot-Mangold (Switzerland, SOC)

The demand for adoption, allied to global economic imbalances, means that children are increasingly being traded on a real market governed by money, according to the Social Affairs Committee. The opening of Europe's borders after 1989 saw pregnant women from eastern European countries travelling west in order to give birth and then put their children up for adoption, while weak registration procedures made it easier to sell abroad children whose births had not been declared.

The committee also mentions the tragic events occurring in some countries where a number of newborn babies disappeared immediately after birth. The mothers were told that their babies had been stillborn, whereas they had actually been sold and taken abroad.

The committee firmly condemns all practices aimed at selling, stealing or trafficking newborn babies and points out that it is the poorest countries who suffer the consequences. The solution, it believes, is the creation of a single area within which the rules on adoption are the same, and the introduction of a monitoring procedure involving regular post-adoption reports. Adoption agencies should be regulated, international adopters vetted, compulsory and free birth-registration procedures put in place and strong laws enacted to outlaw child-trafficking and illegal adoption.

Finally, the countries where newborn babies have disappeared should reopen the cases concerned and conduct investigations, with the assistance of neutral experts, into these disappearances.

Contact in the secretariat: Geza Mezei, tel. 2143.

◆ The need to preserve the European Sport Model

Doc. 11467

Report of the Committee on Culture, Science and Education

Rapporteur: José Luís Arnaut (Portugal, EPP/CD)

Sport occupies a special position in that it embodies important cultural and social values, while at the same time being big business at the professional level, with internationalisation and television rights driving unprecedented profits. Under this growing commercial pressure, the Culture Committee is anxious to preserve what it calls the "European Sport Model", a way of organising sport unique to the continent in which the professional branch of a sport subsidises the amateur, helping to keep it open to all.

Two basic principles generally followed in Europe – financial solidarity between different levels of a sport, and openness to competition – have shaped this model, according to the committee. Under the first principle, a proportion of the income generated by the top level of any sport flows down to the grassroots, enabling a wider spectrum of people to take part in the sport but also ensuring that talent is nourished at all levels. Under the second, smaller or less wealthy national clubs have the chance to compete at European level, while the system of promotion and relegation – unknown in the USA, for example, where leagues are generally closed – gives every team, however modest its start, a shot at glory.

Governments should uphold and protect the European Sport Model, according to the committee, by protecting the autonomy of sports federations and governing bodies against purely commercial operations, and by taking action against abuses such as match-fixing and illegal betting or the "trafficking" of young athletes from Africa and Latin America. They should also recognise the contribution of thousands of volunteers, supporting their work through tax-breaks where necessary.

Statement by Michel Platini, President of the Union of European Football Associations (UEFA)

Contact in the secretariat: Joao Ary, tel. 2112.

Thursday 24 January 2008

☞ Afternoon (3 p.m.-6.30 p.m.)

◆ Address by Mikheil Saakashvili, President of Georgia

Following his address, the President will answer questions from members of the Assembly.

◆ Honouring of obligations and commitments by Georgia

Report of the Monitoring Committee

Co-rapporteurs: Mátyás Eörsi (Hungary, ALDE) and Kastriot Islami (Albania, SOC)

This report is due to be approved by the Monitoring Committee during its meeting at 8.30 a.m. on Tuesday 22 January.

Contact in the secretariat: Ivi-Triin Odrats, tel. 2979.

◆ Draft additional protocol to the Convention on Human Rights and Biomedicine concerning genetic testing for health purposes

Docs. 11440 and 11466

Report of the Committee on Culture, Science and Education

Rapporteur: Wolfgang Wodarg (Germany, SOC)

Opinion of the Committee on Legal Affairs and Human Rights

Rapporteur: Holger Haibach (Germany, EPP/CD)

Genetics is currently one of the most promising fields of medicine. Several hundred genetic tests now exist which enable doctors to diagnose or confirm the diagnosis of certain diseases. But they also allow the identification of diseases which may develop only later in life, or predispositions to diseases which may never develop. While such information can enable some patients to take preventive measures, this possibility is limited for most diseases and the risks identified by genetic tests can be complex to evaluate and understand. Meanwhile, ethical questions have been thrown up by the development of a commercial market for genetic tests, outside any health system.

The aim of this fourth protocol to the Biomedicine Convention, already in force in 21 Council of Europe member states, is to protect the rights of patients in this new field of genetic health tests. It spells out that governments should ensure genetic tests are accurately carried out, are supervised by medical doctors for health reasons only, are accompanied by advice and counselling and are subject to data-protection laws. The rules for people unable to consent to genetic tests are also defined, and the conditions that should be in place for generalised screening tests are spelled out.

The Culture Committee is satisfied in general with the draft, but suggests some small amendments which clarify its meaning.

Contact in the secretariat: Joao Ary, tel. 2112.

The Joint Committee, which is the organ of co-ordination between the Committee of Ministers and the Parliamentary Assembly, meets at 6.30 p.m., or at the end of the sitting, in Room 5. Items on the draft agenda include the state of ratification by member states of leading Council of Europe conventions, and current and future developments at the European Court of Human Rights.

Friday 25 January 2008

☞ Morning (10 a.m.-12 noon)

◆ Transfrontier co-operation

Doc. 11475

Report of the Committee on the Environment, Agriculture and Local and Regional Affairs

Rapporteur: Ivan Popescu (Ukraine, SOC)

Transfrontier co-operation – towns and regions agreeing to work together on common projects across borders – is a key part of building mutual understanding between populations, according to the Environment Committee, especially for people from national minorities who often live in border regions. Starting with town twinnings, this type of co-operation has spread to include shared working arrangements, cross-border transport projects, and coherent trans-national spatial planning. Adriatic and Black Sea “Euroregions” are welcome examples of even more ambitious transfrontier schemes.

The Council of Europe kick-started much of this with its 1980 Madrid Outline Convention, and continues to push for more and better co-operation across borders. Member states should give local and regional authorities the powers, tools and cash to enable them to work together, and do more to encourage such projects with non-member states on the frontiers of the Council of Europe area. The Council’s own bodies should speed up or expand their work in this area, while the EU should continue to fund worthwhile joint projects, including ones at its own outer frontiers.

Contact in the secretariat: Bogdan Torcatoriu, tel. 3282.

◆ Video surveillance of public areas

Doc. 11478

Report of the Committee on Legal Affairs and Human Rights

Rapporteur: Yuri Sharandin (Russia, EDG)

Citizens have generally come to accept the presence of ever greater numbers of video-cameras watching them in public areas, on the grounds that they ensure increased protection against crime. The spectre of “Big Brother” no longer seems to inspire the fears it used to, according to the Legal Affairs Committee. Video surveillance, for example, was vital in catching the July 2005 London bombers and helped to prevent other attacks in London and Glasgow.

Nevertheless, given the protection for private life enshrined in the European Convention on Human Rights, video surveillance should remain an exceptional measure prescribed by law, while the data it generates needs to be carefully handled to protect privacy. States should be encouraged to limit the deployment of intrusive equipment which allows extreme zoom magnifications, software to enable “privacy zones” (such as the windows of apartments) to be excluded from observation should be required in law, while the automatic digital encoding of images from CCTV cameras should be imposed to limit the danger of unauthorised access. Anyone filmed by CCTV should have the right to know they are on camera, and to view the resulting images of themselves.

National laws remain far from homogeneous in this area, however. The committee calls on member states to apply a 2003 set of Council of Europe guidelines which spell out the best legal standards, to agree a common sign indicating the presence of CCTV cameras, and to keep this whole area under close review as the technology evolves, not least by organising a major conference on the subject.

Contact in the secretariat: Isild Heurtin, tel. 4100.

◆ Constitution of the Standing Committee

◆ Closure of the first part of the 2008 Ordinary Session

Practical information

1. Meetings of committees and political groups

The list of meetings held by the committees and the other organs of the Assembly (Bureau, political groups, etc.) appears in the notice paper (*bulletin*) published before each sitting.

Unless a committee decides otherwise, committee meetings are not public.

Meetings of political groups take place on Monday morning and late afternoon as well as Wednesday morning.

2. Languages

The official languages of the Assembly are English and French. German, Italian and Russian are working languages. Speeches made in plenary session in any of these five languages are interpreted simultaneously into the other official and working languages. Members may, however, speak in languages other than English, French, German, Italian and Russian, provided that their delegation arranges for interpretation into one of the official or working languages. During sittings this is generally the case for Spanish, Dutch, Portuguese and Greek.

3. Assembly documents

The following documents are available in French and English at the document counter (on the first floor, to the right of the top of the main staircase, near lift No. IV).

Official documents

The main official documents are:

Reports: All items on the agenda are debated on the basis of a report by one of the Assembly's committees (with the exception of current affairs debates, elections, appointments, statements by guest speakers and communications from and questions to the Chairperson of the Committee of Ministers and the Secretary General of the Council of Europe).

Committee reports comprise one or more draft texts for adoption (recommendations, opinions, resolutions) and an explanatory memorandum prepared by the rapporteur. Only draft texts can be amended and adopted by the Assembly.

Amendments: Amendments to draft texts must be tabled in keeping with the relevant rules of procedure, particularly Rule 34 (see section 4 below). They are distributed at the document counter. They must be signed by at least five Representatives or Substitutes, unless they are being submitted on behalf of a committee seized for report or opinion.

Agenda: For each part-session the Bureau prepares a draft agenda listing the sittings at which the items will be examined. **The draft agenda** is made available to members of the Assembly two weeks before the opening of the part-session. The Assembly is required to adopt the draft agenda (Rule 26.4 of the Rules

of Procedure). A member may propose an amendment to the draft agenda drawn up by the Bureau. The adoption of such a motion requires a majority of the votes cast (Rule 26.5). Once adopted, the agenda can be altered only by a two-thirds majority of the votes cast.

Once it has been approved by the Assembly at the first sitting of the part-session, the agenda is published (Rule 26) and made available to the members at the document counter.

Minutes of proceedings: Generally, after each sitting of the Assembly, the **minutes of proceedings** are produced. They list the Assembly's decisions and record speakers' names, the results of votes on texts and amendments, and points of order raised. At the start of the sitting the President submits the minutes of proceedings of earlier sittings to the Assembly for approval. If the minutes of proceedings are objected to, their approval may be postponed to the following sitting, at which the President may put to the Assembly any necessary modification (see Rule 30 of the Rules of Procedure).

Report of debates: A **provisional report of debates** is issued after each sitting. The French version of the provisional report (pink pages) contains the full text of all speeches made in French and a summary in French of speeches made in other languages. The English version (yellow pages) contains the full text of speeches in English and summaries in English of speeches in other languages. Speeches in German or Italian are also reported verbatim in a separate publication (green pages). Speakers may make corrections to the provisional report of debates within 24 hours of publication.

Representatives and Substitutes who were entered on the list of speakers and present in the Chamber but were unable to speak because of lack of time may hand in their typewritten texts for inclusion in the report of debates. They should do so within 24 hours of the end of the debate concerned at the Table Office (Room 1083).

Adopted texts: The texts adopted by the Assembly are also published after each sitting, separately in English (yellow pages) and French (pink pages).

The texts adopted by the Assembly are:

- Recommendations (proposals addressed by the Assembly to the Committee of Ministers, for implementation by that Committee or the governments);
- Opinions (addressed to the Committee of Ministers);
- Resolutions (embodying a decision by the Assembly on a question of substance which it is empowered to put into effect, a point of view for which it alone is responsible, or a question of form, transmission, execution or procedure);

The other official documents (Rule 23 of the Rules of Procedure) are:

- reports, communications, requests for an opinion or further consideration transmitted by the Committee of Ministers;
- questions addressed to the Committee of Ministers;
- communications from the Secretary General of the Council of Europe;
- reports of international organisations;
- written declarations.

Other documents

Before each sitting a **notice paper** is produced, setting out the orders of the day. It also contains other information relevant to the proceedings, including:

- time limits for tabling amendments;
- time limits for lists of speakers;
- procedural notices, for example concerning elections;
- information about meetings of committees and other Assembly bodies;
- information about changes in the membership of committees.

For each part-session the following lists are published:

- List of Representatives
- List of Substitutes
- List of national delegations
- List of the Secretariat officials, giving office locations and contact telephone numbers for the part-session.

The latest edition of the Rules of Procedure of the Assembly was published in January 2008 in two parts, the Rules and complementary texts in one part, and the Statute of the Council of Europe in another part. They are available in bilingual versions (English/French).

4. Tabling amendments

Members who wish to table amendments or sub-amendments to the draft texts before the Assembly should submit them to the Table Office (Room 1083). Amendments and sub-amendments must be **signed by at least five Representatives or Substitutes**, unless they have been submitted on behalf of the committee submitting the report or an opinion.

Under the provisions on the organisation of debates (page 100 of the Rules of Procedure and forward), the **time limits for tabling amendments** are the following (where appropriate the Bureau may decide to change these limits, in particular for urgent debates or debates on general policy):

- for debates on the afternoon of Monday 21 January: Monday 21 January at 12 noon;
- for debates on Tuesday 22 January: Monday 21 January at 4 p.m.;
- for all other debates (except urgent debates, unforeseen debates or as otherwise indicated on the agenda): 23 and a half hours before the opening of the sitting at which the debate is to begin.

Sub-amendments must be tabled at least one hour before the scheduled end of the sitting preceding that in which the debate begins.

The procedure for tabling, examining and voting on amendments and sub-amendments is set out in Rule 34 of the Rules of Procedure.

5. Motions for resolutions and recommendations

Motions for resolutions and recommendations must be signed by ten or more Representatives or Substitutes from at least five national delegations (Rule 24.2). The President decides which motions are admissible.

Any motion considered admissible is printed and distributed as soon as possible. The Bureau then decides whether it should be referred to one or more committees, or forwarded to one or more committees for information, or that no further action should be taken. The Bureau's decision must then be ratified by the Assembly.

For motions tabled during a part-session, the Bureau has decided that only those motions which have been tabled by **12 noon on the Tuesday of a part-session** will be examined by the Bureau meeting after the part-session.

A document may be referred to only one committee for report but to any other committee for opinion (Rule 25.2). The opinion of the latter concerns the report of the former committee. The report concerned must therefore be made available to the committee whose opinion has been sought in good time for it to prepare its opinion. Committee opinions may be presented orally or in writing. An opinion presented in writing must contain a chapter at the beginning entitled "Conclusions of the committee" and an explanatory memorandum by the rapporteur (Rule 49.3 of the Rules of Procedure).

6. Written declarations

Written declarations may be tabled provided that they:

- do not exceed 200 words;
- are on subjects within the competence of the Council of Europe;
- are signed by at least twenty Representatives or Substitutes belonging to four national delegations and two political groups.

They are neither referred to a committee nor debated in the Assembly (Rule 53 of the Rules of Procedure).

Any representative or Substitute may add his signature to such a declaration, in which case the declaration will be distributed again two weeks after the end of the part-session, with the names of all the members who signed it.

A written declaration which has not received any new signatures before the opening of the following part-session is closed to further signature.

7. Opinions of the Assembly (to the Committee of Ministers)

According to the Statute of the Council of Europe, or to other texts of a statutory character, the Committee of Ministers seeks the Assembly's opinion on such matters as the accession of new member states, draft conventions or the Council of Europe's budget. These requests for opinions are debated in the Assembly, following which the Assembly votes on the opinion to be transmitted to the Committee of Ministers (Rule 57).

8. Changes in the membership of national delegations or committees

Members of the Assembly are appointed for the whole Ordinary Session. Following parliamentary elections, the national parliament concerned or other competent authority shall make appointments to the Assembly within six months of the elections. If the national parliament cannot make all such appointments in time for the opening of a new Ordinary Session, it may

decide, for a period of not more than six months after the election, to be represented in the Assembly by members of the existing delegation (Rule 10.2 and 3).

Should any seat on a national delegation fall vacant in the course of a session as a result of death or resignation, the president of the national parliament concerned, or the Minister for Foreign Affairs, presents the credentials of the member who is to fill the vacant seat to the President of the Parliamentary Assembly, who submits them to the Assembly or the Standing Committee for ratification at the first sitting or meeting following their receipt (Rule 6.4).

The chairperson of a national delegation informs the President of the Assembly of any proposed change(s) in committee membership concerning that delegation's members. The President of the Assembly submits the proposed change(s) to the Assembly, the Standing Committee or, failing that, the Bureau for ratification (Rule 43.6).

9. Requests for debates under urgent procedure or current affairs debates

At the request of the Committee of Ministers, of the committee concerned, of one or more political groups, or of twenty or more Representatives or Substitutes, a debate may be held on an item which has not been placed on the Assembly's draft agenda. Requests for debates under urgent procedure must be addressed to the President of the Assembly. The President submits them to the Bureau, which makes a proposal to the Assembly. The adoption of urgent procedure requires a two-thirds majority of the votes cast (Rule 50.4).

An urgent debate is based on a written report and gives rise to a vote, whereas a current affairs debate is not based on a report.

At least twenty members, or one political group or national delegation may request a current affairs debate (Rule 52) on a subject which is not on the Assembly's draft agenda. The request must be made in writing to the President of the Assembly in time for the last meeting of the Bureau before the opening of the part-session. The possible choice between several requests is made by the Bureau, a decision which needs to be endorsed by the Assembly. A current affairs debate may not exceed one and a half hours. The debate shall be opened by one of the members who requested it, chosen by the Bureau. The first speaker has ten minutes speaking time, other speakers five. Although there is no vote on any text, the Bureau of the Assembly may subsequently propose that the subject be referred to the appropriate committee for report.

10. Electronic voting, notification of Substitutes, list of speakers, and quorum

All votes in the Assembly, except elections, take place by electronic voting.

Voting cards

Voting cards issued to all members are simultaneously used for identification and voting.

Distribution of voting cards is ensured by the Badge Service of the Council of Europe. In principle, this distribution is organised via secretaries of each national delegation. Members who do not have their card (in case a card has been lost or forgotten, or when the Parliamentary Assembly database does not contain the member's photo) should present themselves at the welcome Protocol desk at the main entrance of the Palais de l'Europe in order to receive their card. Staff of the Badge Service, before delivering a new card, will invite the member to present his or her identification document. If a third and consecutive card is issued to the same member during the same calendar year for whatever reason, loss or otherwise, the national delegation will be required to pay the cost (6 euros per card).

Voting cards as distributed by the Badge Service do not give an automatic right to vote. In order to enjoy such a right, the member's card has to be validated. This operation will be carried out by the Assembly Secretariat.

Notification of Substitutes

In principle all Representatives at the opening of the first sitting (on Monday, at 11.30 a.m.) have their cards validated, but not Substitutes unless the Secretariat of the Assembly is properly informed about substitutions. Therefore secretaries of national delegations have the duty to inform the Secretariat of the Assembly about all cases of substitution. If this is not done, Substitutes attending the sitting do not have speaking and voting rights.

Notice of substitutions has to be given before the opening of the sitting concerned (if possible by the previous day and at the latest before 8.30 a.m. for a morning sitting and before 1 p.m. for an afternoon sitting). For the first sitting on Monday at 11.30 a.m., the deadline is 10 a.m. This notification, including the names of Substitutes, the names of Representatives to be substituted and the length of substitution, must be given in writing for each sitting to the Secretariat of the Assembly (Jocelyne Gibert, Room 1076, fax during session weeks +33 3 88 41 27 27, fax outside session weeks +33 3 88 41 27 33).

If the Substitute is replacing the Representative for one or more consecutive sittings, the substitution for each sitting must be notified. Substitutions are never carried automatically over to the following sitting.

When the correct notification has been given, Substitutes will have their voting cards validated. At the same time, cards of Representatives who are to be replaced by Substitutes will become invalid, preventing them from speaking in the debate and voting, including in elections.

Register of attendance

Members shall continue to sign the register of attendance before entering the Chamber for a sitting (Rules 11.2 and 39.1). A duly designated Substitute will find his or her name in the register next to the name of the Representative for whom he or she is substituting. If, in the register of attendance, no name is found next to the Representative's name, it means that no substitution was notified for the Representative for that particular sitting and therefore only the Representative is authorised to speak in the debate and vote.

All members of the Assembly – Representatives and Substitutes as well as Observers – have access to the Chamber at any time of the sitting, regardless of their speaking and voting rights. Therefore, all members, even those who are not authorised to speak in the debate or vote, are invited to sign the register of attendance if they attend the sitting.

Speakers' register

Members who wish to speak in a debate must enter their names on the list of speakers. They may do this by post in advance of the part-session, or in person during the part-session at the Table Office (Room 1083). The list is closed one hour before the scheduled end of the previous sitting, except in the case of the first sitting of a part-session, when the deadline is one and a half hours before the start of the sitting (i.e. at 10 a.m.). It should be noted that in any one part-session members may enter their names on the list for a maximum of **five debates** but may take the floor **not more than three times** (this limit does not apply to members appointed as political group spokespersons or as rapporteurs). A Substitute whose name has not been notified to the secretariat before a sitting cannot participate in the debate.

The order of speakers on the list for each debate is determined according to criteria set by the Bureau and can be found on pages 106 to 108 of the Rules of Procedure.

Speaking time is limited to a total of 13 minutes for committee rapporteurs (to present the report and to reply to the debate) and 3 minutes for rapporteurs for opinion, to present the opinion or to reply to the debate. Other speakers on the list normally have a maximum of 5 minutes. At the start of each sitting the President announces the speaking arrangements.

Only authorised members – i.e. Representatives or their duly appointed Substitutes – may speak in debates or submit questions for oral reply to the Chairperson of the Committee of Ministers or to guest speakers. The list of speakers is verified accordingly.

Questions to invited guest speakers

For most invited guest speakers, the draft agenda indicates whether there is the possibility for members to ask questions. Where there is that possibility, members are encouraged to register their names with the Table Office as soon as the draft agenda is published and the name of the guest speaker appears, unless the draft agenda specifies that there is only one question from each political group. For most guest speakers other than the Chairperson of the Committee of Ministers, members are invited to submit the subject of their question.

For the Chairperson of the Committee of Ministers, the name of the member wishing to ask a question is only registered on the list of written questions if accompanied by the full written text of the question. The names of persons wishing to ask a question are published and listed in chronological order. In this context, a precise deadline is specified in the draft agenda. The written questions for oral answer by the Chairperson are then published as an Assembly document. In addition, subject to the consent of the Chairperson of the Committee of Ministers, the final fifteen minutes of the questions for oral answer may be reserved for spontaneous questions. A separate list, mutually exclusive of the list of written questions, is kept by the Table Office for this purpose.

For the other guest speakers, there is no formal deadline as such, as the questions are "spontaneous". However, members have an interest in registering their names as early as possible, as there is usually not enough time to answer all questions.

Electronic voting

While they are sitting in the Chamber, members are invited to keep their voting cards inserted in the voting terminals. However, when they leave, they should take their cards with them.

Voting cards should be inserted correctly into the terminals (the photo side of the member's card is facing the President's table; then the card is pushed down until a "click" is heard). A card correctly inserted is signalled by its number being displayed on a small screen in the voting terminal. Any malfunctioning or error message displayed on the voting terminal screen should be immediately reported to the Secretariat present in the Chamber.

The opening of a vote by the President is confirmed by a small green light on the voting terminal.

After the opening of a vote, members should vote by putting their hands into the small booth of the voting terminal and by pressing one of the three voting buttons (stickers which are on the top of voting terminals are put there only for information in order to indicate the positions of the "for", "abstention" and "against" buttons). The chosen vote is confirmed by a coloured light on the terminal: green ("for"), white ("abstention") or red ("against").

Rule 39.9 indicates that a member cannot modify his or her vote after the voting is closed.

The names of Assembly members who participate in votes, as well as how they voted in each case, are published on the Assembly's website.

Quorum

The Assembly may deliberate, decide the orders of the day, approve the minutes of proceedings, decide upon procedural motions, and agree to adjourn, whatever the number of Representatives present.

All votes other than votes by roll-call shall be valid whatever the number of members voting, unless, before the voting has begun, the President has been requested to ascertain whether there is a quorum. At least one sixth of the Representatives authorised to vote, belonging to at least five national delegations, must vote in favour of the request. To ascertain whether there is a quorum, the President invites Representatives to mark their presence in the Chamber using the electronic voting system.

The quorum is one third of the number of Representatives of the Assembly authorised to vote (Rule 41.3).

A vote by roll-call shall not be valid unless one third of the Representatives authorised to vote took part. The President may decide to ascertain whether there is a quorum before proceeding to a vote by roll-call.

In the absence of a quorum, the vote shall be postponed until the next sitting or, on a motion from the Chair, until a subsequent sitting.

Majorities required

A majority of two-thirds of the votes cast is required for the adoption of a draft recommendation or a draft opinion to the Committee of Ministers, for the adoption of urgent procedure, for an alteration to the order of business, for the setting up of a committee and for the fixing of the date for the opening or resumption of Ordinary Sessions. For the adoption of a draft resolution and for any other decision, a majority of the votes cast is required, in the case of a tie the question being rejected.

Mobile phones

Members are reminded that mobile phones must be switched off at all times in the Chamber and during committee meetings.

Directory

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Services

Internet access

Free Wi-Fi access is available in most areas of the Palais building. Terminals with free broadband access are also available in the lobby of the debating chamber and outside the second floor meeting rooms. The Assembly's website and the Council of Europe portal, including other language portals, can be accessed here.

Badges

Wearing badges is compulsory for admittance to the Chamber. Voting cards are used as ID badges. Contact the Protocol desk in the entrance hall.

Bars and restaurants

Parliamentarians' Bar: 1st floor, opposite the Chamber, open from 8.30 a.m. to the end of the sitting. Restaurant Bleu: ground floor, for official meals (tel. 3704 for reservations). Palais cafeteria: ground floor, open from 8 a.m. to 5 p.m. Palais self-service: ground floor, lunch from 12 a.m. to 2 p.m.

Bank

Société Générale, in the entrance hall, open from 8.15 a.m. to 5.30 p.m., tel. 7060. A cash dispenser is located opposite the cafeteria (ground floor).

Bus

Free shuttle service departing from Allée Spach to the railway station via downtown (and vice versa). Badges must be shown. Time schedules are available at the reception desk.

Bookshop

Librairie Klébér: In the entrance hall, open from 9.30 a.m. to 12.45 p.m. and from 1.30 p.m. to 5.45 p.m., tel. 3712.

Philatelic agency

Council of Europe stamps and, since 1949, philatelic envelopes commemorating every session of the Parliamentary Assembly, tel. 03 88 35 08 88.

Post office

La Poste: in the entrance hall, open from 9 a.m. to 7 p.m., tel. 3463.

Medical centre

Entrance hall, open from 8.30 a.m. to the end of the sitting, tel. 2442.

Newsagent

Just off the entrance hall, open from 7.30 a.m. to 7.00 p.m., tel. 3549.

City of Strasbourg information desk

The City of Strasbourg is represented at the reception desk in the entrance hall, providing lists of hotels, restaurants and local events, flight/train times etc, tel. 3838. For accommodation or transport, call 03 88 52 28 38.