

Committee on Rules of Procedure, Immunities and Institutional Affairs
Commission du Règlement, des immunités et des affaires institutionnelles

AS/Pro (2015) 22 def

11 December 2015

ardoc22_2015

Committee on Rules of Procedure, Immunities and Institutional Affairs

Challenge on procedural grounds of the still unratified credentials of the United Kingdom parliamentary delegation

Report¹

prepared by the Chairperson of the Committee, Mr Haluk KOÇ (Turkey, Socialist Group)

A. Opinion to the President of the Parliamentary Assembly²

1. On 27 November 2015, the still unratified credentials of the United Kingdom parliamentary delegation were challenged on procedural grounds in accordance with Rule 7 of the Assembly's Rules of Procedure, namely on the grounds that the Prime Minister of the United Kingdom had allegedly interfered in the procedure for appointing the delegation by excluding three Conservative MPs belonging to the outgoing delegation.
2. The Committee on Rules of Procedure, Immunities and Institutional Affairs has examined the various objections raised. It considers, in accordance with the letter of Article 25 of the Statute of the Council of Europe and Rule 6 of the Assembly's Rules of Procedure, and in the light of recent precedents for challenging credentials, that there are not sufficient grounds for not ratifying the credentials of the United Kingdom delegation.
3. The committee notes in this connection that Article 25.a of the Statute of the Council of Europe, by stipulating that the Assembly "shall consist of Representatives of each Member, elected by its Parliament from among the members thereof, or appointed from among the members of that Parliament", offers member States a degree of flexibility regarding the procedure to be followed, although in the past the Assembly has taken the view that election is more in keeping with the spirit of Article 25.
4. It considers, however, that the problems raised in connection with the present challenge to credentials prompt legitimate concerns. The committee therefore urges the House of Commons to review with the utmost diligence the procedure for appointing the national delegation to the Parliamentary Assembly in order to bring it fully into line with the democratic principles upheld by the Assembly.
5. The committee therefore concludes that the credentials of the UK parliamentary delegation should be ratified.
6. Lastly, the committee notes that Rule 11.3 of the Rules of Procedure gives national parliaments a period of six months following parliamentary elections to appoint a new delegation. There is therefore every reason for questioning the UK Parliament as to the reasons why, in November 2015, just as in November 2010, it was unable to submit the credentials of a new delegation within the prescribed time, with the risk of

¹ Reference to committee: Standing Committee decision of 27 November 2015.

² Adopted unanimously by the committee on 10 December 2015

no UK representative being able to sit on Assembly bodies and of such a situation having unfortunate repercussions for the actual functioning of the Assembly.

B. Explanatory memorandum

1. Procedure

1. At the meeting of the Standing Committee on 27 November 2015, Mr Andreas Gross (Switzerland, Socialist Group), supported by some ten other members, belonging to at least five national delegations, challenged the still unratified credentials of the UK delegation to the Parliamentary Assembly on procedural grounds (Rule 7.1 of the Rules of Procedure), namely on the grounds that three Conservative MPs belonging to the outgoing delegation³ had been excluded from the new delegation, following the direct intervention of the Prime Minister, for having failed to toe the government line in a vote in the House of Commons. Mr Gross justified his initiative by the need to defend the prerogatives of the UK Parliament against any unwarranted interference by the Prime Minister in the parliamentary process. In accordance with Rule 7.2, the Standing Committee referred the credentials to the Committee on Rules of Procedure, Immunities and Institutional Affairs.

2. The Committee must therefore consider whether the procedure for appointing the UK delegation:

- was consistent with the principles set out in Article 25 of the Statute of the Council of Europe taken together with Rule 6 of the Assembly's Rules of Procedure, and
- was consistent with the principles contained in Rule 7.1 of the Assembly's Rules of Procedure.⁴

3. According to Rule 7.2, "*[i]f the Committee concludes that the credentials should be ratified, it may submit an opinion to the President of the Assembly, who shall read it out in the plenary sitting of the Assembly or the Standing Committee, without debate. If the Committee concludes that the credentials should not be ratified or that they should be ratified but that some rights of participation or representation should be denied or suspended, the Committee's report shall be placed on the agenda for debate within the prescribed deadlines*".

4. Most of the challenges to credentials which the Assembly has had to consider to date on the basis of Rule 7 were concerned with a lack of fair political representation, to the detriment of the parliamentary opposition, or a failure to comply with the requirement relating to representation of the under-represented sex. In the present case, what is at issue is not the composition of the UK delegation and the provisions of Rule 7.1.b,³ but the actual process for appointing the delegation and its alleged incompatibility with the Organisation's statutory provisions.

2. The credentials of the UK parliamentary delegation submitted for ratification by the Standing Committee on 27 November 2015

5. Pursuant to Article 26 of the Statute of the Council of Europe, the UK parliamentary delegation is composed of 18 representatives and 18 substitutes. The composition of the new UK parliamentary delegation appears in the report by the President of the Assembly on examination of credentials of representatives and substitutes which was presented at the meeting of the Standing Committee on 27 November 2015 (Doc. 13926).

2.1. The applicable statutory provisions and rules

6. According to Article 25 of the Statute of the Council of Europe:

³ Namely Ms Cheryl Gillan, Mr Christopher Chope and Sir Edward Leigh.

⁴ Rule 7.1.:

"Credentials may be challenged by at least ten members of the Assembly present in the Chamber, belonging to at least five national delegations, on stated procedural grounds based upon:

- a. one or more of the relevant provisions of the Statute (in particular Articles 25 and 26);
 - b. the principles in Rule 6.2, that national parliamentary delegations should be composed so as to ensure a fair representation of the political parties or groups in their parliaments and should include in any case one member of the under-represented sex, appointed as a representative;
 - c. the absence of a solemn statement as mentioned in Rule 6.2.b.
- The authors shall state the reasons for the challenge."

*“a. The Consultative (Parliamentary) Assembly shall consist of Representatives of each Member [State], **elected by its Parliament from among the members thereof, or appointed from among the members of that Parliament, in such manner as it shall decide**, subject, however, to the right of each Member [State] to make any additional appointments necessary when the Parliament is not in session and has not laid down the procedure to be followed in that case.”*

7. For its part, Rule 6.1. of the Assembly's Rules of Procedure provides as follows: *“The credentials of the representatives and substitutes, **elected within the national or federal parliament or appointed from among the members of the national or federal parliament**, shall be sent to the President of the Assembly by the President (Speaker) of the national parliament or the President (Speaker) of a national parliamentary chamber or any person delegated by them. Each member state shall notify the Secretary General of the Council of Europe of the competent authority it has appointed for the purpose (...).”*

8. The competent authority for the United Kingdom is the Speaker of the House of Commons.⁵

2.2. The credentials of the UK delegation sent on 18 November 2015

9. The credentials of the UK delegation were sent to the President of the Parliamentary Assembly on 18 November 2015. In his covering letter, Mr John Bercow, Speaker of the House of Commons, says that “the composition of the delegation was announced by the Prime Minister in a Written Statement on 3 November, pursuant to the resolutions of the House of Commons of 22 May 1992 and the House of Lords of 18 June 1992”, and specifies the method for allocating seats on the delegation, as required by Rule 6.2.a. More specifically, it is mentioned that “the composition of the delegation is by agreement between the parties (...). The names of individual representatives and substitutes are then determined by each of the parties concerned”. Furthermore, the form for submission of credentials countersigned by the Speaker of the House of Commons certifies that “the persons, members of the United Kingdom parliament were appointed as representatives or substitutes to the Parliamentary Assembly by the Prime Minister on 3 November 2015”. Appended to this letter and the official forms which the delegation is required to submit to the Table Office of the Parliamentary Assembly was the Written Statement by the Prime Minister, David Cameron (reference HCWS287), which is unusual since such a document had not been attached to previous transmitted credentials.

10. Based on the information available to the Committee on Rules of Procedure⁶, the procedure for appointing the UK delegation to the Assembly is governed by the following arrangements:

– the procedure adopted is based entirely on custom and practice: there is no formal written procedure, no provision in the rules of the Houses of Parliament and no specific set of regulations governing the composition of the parliamentary delegation;

⁵ In a letter dated 27 October 2010, the Secretary of State for Foreign and Commonwealth Affairs, William Hague, informed the Secretary General of the Council of Europe that the competent authority was henceforth the Speaker of the House of Commons, and no longer the Minister for Europe.

⁶ See the following documents:

– *House of Commons Library, Briefing paper Number 7378, 16 November 2015, UK delegation to the Parliamentary Assembly of the Council of Europe.*

– the reply to ECPRD request no. 2566 on parliamentary delegations, June 2014: “Members of the PACE and the OSCE delegations are formally appointed by the Prime Minister. Members of the delegation to the NATO PA are formally appointed by the Secretary of State for Foreign and Commonwealth Affairs. Appointments to delegations are announced in written statements. In appointing such members, account is taken of the balance of the political parties in the House of Commons at that time and the nominations received from the different political parties. It is for each party to determine its method of nominating members of the delegations (...).”

– the reply to a questionnaire sent in July 2015 by the rapporteur of the Committee on Rules of Procedure on “Effective representation and participation in the Parliamentary Assembly of opposition parliamentarians in the member States”: “the formation of the UK delegation to the Parliamentary Assembly is announced by way of a Parliamentary Written Statement by the Prime Minister, after consultation with the political parties. Following publication of the Prime Minister's written statement, the Speaker of the House of Commons writes to the President of the Assembly presenting the credentials of the new delegation. (...) The names of individual representatives and substitutes from both Houses are then determined by the party concerned. (...) There is extensive consultation between the parties leading up to the appointment of individual members to the delegation, including within and between the various Whips' offices in the House of Commons and in the House of Lords.”

Lastly, on 3 December 2015, the Clerk of the House of Commons, Mr David Natzler, sent a memorandum to the chairperson of the Committee on Rules of Procedure, detailing the procedure in force.

- the number of seats to which each party is entitled as well as the distribution of seats between parties in the delegation are determined by party agreement;
- the method for appointing delegation members is determined by each party: nominations are made by the party whips, except in the Labour Party, which holds internal elections to choose its representatives; in the case of the Conservative Party, the decision falls to the party leader;
- the Prime Minister formally appoints the delegation, whose composition is announced by way of a written statement to both Houses; the list represents no more than the assembling of the nominations made by the parties;
- the Speaker of the House of Commons, who is the competent authority within the meaning of Rule 6.1 of the Assembly's Rules of Procedure, submits the delegation credentials to the President of the Assembly.

2.3. *The debate in the House of Commons on the procedure for appointing the new UK delegation*

11. The exclusion from the new delegation of three Conservative MPs who were members of the outgoing delegation has its political origins in a vote in the House of Commons on 7 September 2015 in the context of the discussion of the bill providing for a referendum on UK membership of the European Union. A government initiative to amend the rules on restrictions on government activities during the *purdah* period was rejected by a broad majority including 37 "rebel" Conservative MPs, the members of the Labour Party and those of the Scottish National Party. This vote was seen by observers as a humiliating defeat for the Prime Minister.

12. On 3 November 2015, the Prime Minister submitted the list of members of the new delegation by way of a written statement. Three members of the previous delegation who had been re-elected to Parliament following the elections of 7 May 2015 and were among the "rebel" Conservative MPs had apparently been excluded from the list by decision of David Cameron acting in this instance as party leader, and not as Prime Minister. This decision prompted reactions on the part of certain members of the House of Commons and gave rise to several debates on the question of the procedure for appointing parliamentary delegations:

- The first exchange took place on 3 November 2015 after Christopher Chope had put an oral question asking the Leader of the House of Commons to make a statement about the rationale that had been applied in determining which members should be reappointed to the parliamentary delegation. Mr Chope pointed out that the three members excluded from the new delegation had been sanctioned for having voted in favour of a free and fair referendum with a strict 28-day "*purdah* period", as recommended by the Council of Europe Venice Commission and the independent UK Electoral Commission. He criticised the fact that the members of the delegation had been chosen by the government, and not by Parliament, saying that such a process constituted "unwarranted interference by the UK Government in the work of the Parliamentary Assembly".⁷ Several MPs took the floor after Mr Chope, some to complain of an utterly undemocratic situation, others to say more simply that the House should have the power to decide for itself who should represent it on international bodies through a vote of all the members.

- The second exchange took place on 4 November 2015 following a point of order raised by Paul Flynn, a Labour member of the House of Commons and of the outgoing delegation to the Parliamentary Assembly, in which he said that the composition of the delegation should not simply be a matter for prime ministerial diktat, but a matter that MPs can debate and vote on. The Speaker of the House of Commons replied that he had not (yet) send the credentials of the UK delegation and that it was his responsibility "to be assured of the propriety of the process involved" but not "to assess the merits or demerits of the individual prospective candidates for membership of the delegation".

- On 16 November 2015, the House of Commons considered a Backbench Business Motion on the membership of the UK delegation to the PACE to the effect that the method for nominating the parliamentary delegation be changed and aligned with the procedure used for nominating committee members. Following the debate, this motion was rejected without a vote, following the rejection by a large majority of a compromise amendment.

⁷ Mr Chope also set out all these arguments in a widely circulated letter of 5 November which, as (outgoing) Chair of the European Conservatives Group in the Assembly, he sent both to the members of his group and to other members of the Parliamentary Assembly and its secretariat.

13. During these debates, several MPs spoke out in favour of the House adopting more democratic procedures to ensure that decisions on the membership of delegations lay with the backbenchers,⁸ and not just the whips, and that the list of members was formally adopted by a vote of all the members.

14. Despite the outcome of the vote on 16 November, which put an end to the controversy over the appointment of the new UK delegation to the Parliamentary Assembly, the debate should be followed up on: the motion to revise the method of appointing delegations and adopt a more democratic procedure would likely be discussed by the relevant committee(s) of the House of Commons.

3. Compliance of the procedure for appointing the UK delegation with the provisions of the Statute of the Council of Europe and the Assembly's Rules of Procedure

3.1. A precedent: challenging of the credentials of the UK delegation in 1992

15. In 1992, the credentials of the UK delegation had been challenged, amongst other reasons, on account of the manner in which the delegation had been appointed.⁹ In its report, the Committee on Rules of Procedure noted that the appointments had been made by the Executive Government "apparently without the United Kingdom parliament having at any time specifically fixed (...) a procedure to that end", but that the parliament's tradition over many centuries of acting by convention and unwritten procedures – insofar as the procedure followed in practice had been approved by the national parliament and despite the fact that it was "at variance with a strict interpretation of Article 25 of the Statute" – was not in itself a ground for rejecting the credentials. The committee concluded that Article 25 of the Statute authorised the appointment (as distinct from the election) of a national delegation under procedures decided by the national parliament even though the Assembly considered elections to be more closely in line with the spirit of Article 25.

16. In 1992, the Assembly confirmed the conclusions of the Committee on Rules of Procedure, approving the delegation's credentials, but called on the UK government and parliament "as a matter of urgency, to review the procedures for the appointment of their delegation to the Parliamentary Assembly in order to bring them more closely in line with the spirit of the Statute of the Council of Europe and the Rules of Procedure of the Assembly."

17. Following this challenge to credentials, twin motions had been adopted by the House of Commons, on 22 May 1992, and the House of Lords, on 18 June 1992. These resolutions simply confirmed the existing procedures for the appointment of delegations.¹⁰ However, these resolutions do not specify what exactly these procedures are!

3.2. Positions of the Assembly to promote respect for pluralist democracy in the representation of parliaments in national delegations

18. The present challenge to the credentials of the UK parliament is not based on a claim that its composition fails to comply with the criterion of fair representation of political parties or groups laid down in the Rules of Procedure, but, as in 1992, on the procedure for appointing the delegation. The Committee on Rules of Procedure must therefore consider not whether the procedure decided by parliament, within the meaning of Article 25 of the Statute of the Council of Europe, has been followed, but whether this procedure is in line with the Statute.

19. It is clear that neither the Statute of the Council of Europe (Article 25) nor the Assembly's Rules of Procedure (Rule 6) oblige member States to appoint their delegation to the Parliamentary Assembly by election. Accordingly, insofar as they stipulate that representatives must be elected by parliament from among the members thereof or appointed from among the members of that parliament, the regulatory texts grant states room for manoeuvre with regard to the procedure to be followed. It may be argued, however, that this provision in the Statute was laid down in 1951 and that in the European institutional environment of the 21st century, such a provision may appear to run counter to the democratic requirements which the

⁸ Members of the UK Government are MPs. Ministers sit on the front row of the seats and are therefore referred to as frontbenchers. Backbenchers are members of parliament who are not ministers and sit behind them. The same applies to the opposition. Whips are parliamentarians appointed by each party to maintain party discipline and to ensure that members of their party are present and vote along with party lines. Each party appoints a chief whip and several deputy whips.

⁹ See the report by Committee on Rules of Procedure on the credentials of the UK delegation (Doc. 6610 of 5 May 1992, rapporteur: Mr Schieder, Austria, SOC).

¹⁰ *HC Deb 22 May 1992 vol 208 c682: "Resolved, That this House confirms the existing procedure for the nomination of the United Kingdom delegations to the Parliamentary Assemblies of the Council of Europe and Western European Union".*

Parliamentary Assembly and the Council of Europe in general seek to promote in member states. It was for this reason that the Assembly itself, in 1993, had asked the Committee of Ministers, as part of the general revision of the Statute of Europe (which was ultimately aborted) to amend Article 25.

20. In the aforementioned report on the credentials of the United Kingdom delegation, the Committee on Rules of Procedure had regarded “the problems raised in connection with the nomination of the United Kingdom delegation as giving rise to legitimate concern about the procedures adopted by the United Kingdom authorities and parliament, and as greatly strengthening the case for a revision of Article 25 of the Statute of the Council of Europe so as to require member states to adopt procedures more consistent with contemporary democratic attitudes and aspirations.”

21. The Assembly has, for many years, demonstrated its commitment to strengthen its democratic nature, in terms of both its functioning and its composition. For example, in Recommendation 1027 (1986) on amending Article 25 of the Statute of the Council of Europe, the Assembly reiterated “the paramount importance assigned by the Statute of the Council of Europe to the principles of pluralist parliamentary democracy” and the need to “transform this moral obligation [placed on states to ensure compliance with the democratic principles set forth in the preamble to the Statute] into a formal requirement.”

22. In addition, the Committee on Rules of Procedure refers, in the present case, to the “principles to be used to assess whether political parties or groups are fairly represented in national delegations to the Parliamentary Assembly”, drawn up in 2011,¹¹ and more specifically Article 6.3: “Parliaments’ decisions on appointments must respect national procedural rules and be, on the whole, fair, that is, honest, impartial, just, equitable, non-discriminatory. **The national procedural rules should also be in accordance with the Council of Europe’s fundamental values (rule of law, respect for human rights and pluralistic democracy).**”

3.3. Precedents in the Parliamentary Assembly concerning challenges to credentials based on Rule 7 of the Rules of Procedure

23. In the examination of previous challenges to credentials, it was pointed out that the Assembly must avoid any interference in the internal political affairs of a member state. The Assembly must, in principle, simply ensure that the main political currents present in a parliament are represented and, in particular, that the delegation includes opposition parties.¹² It is this position that is reflected in several recent Assembly decisions:

– In April 2013, the still unratified credentials of a member of the Ukrainian parliamentary delegation, Mr Andriy Shevchenko, had been challenged on procedural grounds, based on the fact that he was replacing, in the Ukrainian delegation, Mr Sergiy Vlasenko, who had been deprived of his national parliamentary mandate under a judicial decision which may have been politically motivated. Taking the view that the appointment of Mr Shevchenko did not violate the principle of the fair representation of political parties or groups, as both members of parliament belonged to the same group in the Verkhovna Rada, the Assembly ratified the credentials.¹³

– In January 2010, the Committee was asked to take a position on the challenge, on procedural grounds, to the still unratified credentials of the Armenian parliamentary delegation, relating to the alleged under-representation of opposition parties or groups. The challenge claimed that the Armenian parliament had “manipulated its internal rules in order to exclude a member of the EPP group”. The Committee concluded that the credentials should be ratified, insofar as the list of delegation members ensured a fair representation of the political groups in the Armenian National Assembly and included a representative and substitute belonging to the opposition.¹⁴

– Previously, in January 2009, the Assembly had considered the challenge to the credentials of the Albanian delegation, on the ground that a member belonging to the delegation in the 2008 Session had been removed for 2009. The Committee on Rules of Procedure had considered that the procedure for appointing

¹¹ See Resolution 1798 (2011) on fair representation of the political parties or groups of national parliaments in their delegations to the Parliamentary Assembly, which comprises a series of 12 principles to be used to assess whether political parties or groups are fairly represented in national delegations to the Assembly, Recommendation 1027 (1986) and Resolution 932 (1989).

¹² Doc. 5497, paragraph 7; Doc. 6101, paragraph 11.

¹³ Doc. 13193 and Resolution 1931 (2013).

¹⁴ Opinion to the President of the Parliamentary Assembly, document AS/Pro (2010) 06 def.

the delegation did comply with the rules of procedure of the Albanian delegation and that the Assembly could ratify the delegation's credentials.¹⁵

4. Conclusions

24. While the national parliaments in the Council of Europe member States have rules of procedure codifying all parliamentary procedures, it may seem unusual, if not anachronistic, that in the UK parliament, certain substantive procedures are based on convention and unwritten rules. It must be clearly acknowledged that parliaments have a right to develop their own specific arrangements provided that their procedures are transparent and comply with democratic principles, which include parliament's sovereignty with regard to its own functioning.

25. In the light of the foregoing and its precedents with regard to challenges to credentials, the Committee on Rules of Procedure could take the view that this current challenge to credentials is the result of a misunderstanding. This misunderstanding arises from a "confusion of roles", which is not the case in the functioning of other parliaments of member states since, in the United Kingdom, the role of Prime Minister merges with that of party leader, sitting in the House of Commons. Such a situation is bound to seem questionable to those whose parliamentary institutions function in accordance with a strict separation of powers.

26. The Committee on Rules of Procedure notes that the question of the procedure for appointing the parliamentary delegation to the Assembly has been duly debated in the House of Commons, publicly and in total transparency, and it cannot but welcome the opportunity given to the members of parliament who so wished to speak freely on this issue. Clearly, the vote on 16 November 2015 in the House of Commons, which led to the rejection of the motion to amend the current procedure, can be seen as the expression of the majority of the House to maintain the existing procedure.¹⁶ However, the committee expects the House of Commons to continue to consider this issue with the utmost diligence within the competent committee(s), and notes that it has already referred the matter to the Public Administration and Constitutional Affairs Committee.

27. As it stated when considering a similar challenge to credentials,¹⁷ it is not for the Committee on Rules of Procedure to become involved in party politics when verifying the credentials of delegations. This is why it is not the committee's role to take a position on the merits of the decision not to reappoint three members of the outgoing delegation, insofar as such a decision has no effect on the balance of political representation in the new delegation.

28. On this basis, the Committee on Rules of Procedure concludes that the principles enshrined in Rule 7.1 of the Assembly's Rules of Procedure have been complied with. Nonetheless, the committee notes that:

- among the principles to assess whether political parties or groups are fairly represented in national delegations, laid down in Resolution 1798 (2011), is the commitment to ensure that "Parliaments' decisions on appointments must respect national procedural rules (...) [which] should also be in accordance with the Council of Europe's fundamental values (rule of law, respect for human rights and pluralistic democracy)";
- the objection raised in the challenge to credentials, and by several members of the House of Commons, to the effect that the procedure for appointing members of the delegation is not fully democratic in that it excludes any decision by the House of Commons itself and enables the Prime Minister to possibly interfere in this process, is a serious one;
- the requirement for legal certainty means guaranteeing transparent, clear and stable procedures, whose application does not depend on political circumstances; the procedure for appointing delegations must be clearly laid down by the House of Commons in order to ensure that the parliamentary process is free from all suspicion of interference by the Prime Minister.

¹⁵ Doc. 11809 and Resolution 1650 (2009).

¹⁶ Some observers noted that government ministers had also voted, which would be contrary to conventional practice with regard to an agenda reserved for backbenchers. It is the rejection of a compromise amendment, by 171 votes against and 34 in favour, which led to the rejection of the motion without a vote.

¹⁷ Challenge on procedural grounds of the still unratified credentials of the Ukrainian parliamentary delegation, document AS/Pro (2012) 03 def, of 24 January 2012.

29. The Assembly fully expects the UK parliament – “the mother of parliaments” – to respond in the most diligent and responsible manner possible to the criticisms voiced by both this Assembly and members of the House of Commons itself, by clarifying its procedure in full compliance with the democratic standards promoted by the Council of Europe.

30. Accordingly, having considered the objections raised, and in accordance with Rule 10.1 of the Rules of Procedure, the Committee on Rules of Procedure concludes that the credentials of the UK parliamentary delegation are in compliance with Article 25 of the Statute of the Council of Europe and Rule 6 of the Assembly’s Rules of Procedure. The commission therefore proposes that the Assembly ratify those credentials.

31. Furthermore, the Committee on Rules of Procedure points out that Rule 11.3 of the Rules of Procedure grants national parliaments a six-month period following parliamentary elections to appoint a new delegation. The UK parliament could therefore be asked why, in November 2015, as in November 2010, it had been unable to submit the credentials of a new delegation within the prescribed time frame, with the risk of no UK representative being able to sit on the Assembly’s bodies – committees, Bureau and Standing Committee. As it is one of the six major delegations sitting in the Assembly, this would inevitably have unfortunate repercussions for the functioning of the Assembly.

32. Lastly, it should be pointed out that in application of Rules 7.2, this challenge to credentials must be considered by the Assembly at the opening of the 2016 Session, on 25 January 2016, and if the committee were to conclude that the credentials should not be ratified or should be ratified together with sanctions, this decision would become null and void and could not be implemented insofar as the Assembly would, on that date, examine the new credentials of all delegations.