



Parliamentary Assembly **Code of conduct for members**

Strasbourg, February 2015



Parliamentary Assembly
Assemblée parlementaire

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Code of conduct for members of the Parliamentary Assembly

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Foreword

Integrity is one of the most valuable assets individuals can possess.



As members of the Parliamentary Assembly of the Council of Europe, we are committed to the overarching principles of fairness, transparency and openness. Sustaining these is essential to maintaining the respect and credibility of our work within the Parliamentary Assembly.

The objective of the Code of Conduct is to provide parliamentarians with clear and practical guidance to ethics that are in line with internationally accepted standards.

The code is composed of general principles, which provide a benchmark for expected behavior and a set of rules of conduct that deal with issues such as conflicts of interest and confidentiality. It sets up a number of key expectations without restricting the ability of members to carry out their responsibilities. Its purpose is to guarantee, *inter alia*, that public interest is also taken into account in the conduct of our work.

I encourage all PACE members to place integrity at the heart of what we do and to ensure that our Code's principles are observed and honoured in carrying out our mandate as members of the Parliamentary Assembly.

Anne Brasseur, President of the Parliamentary Assembly of the Council of Europe

Code of conduct for members of the Parliamentary Assembly (Compendium of provisions in force on 1 January 2015)

Rule 13 of the Rules of Procedure - Code of conduct for members of the Parliamentary Assembly

13.1. In the exercise of their duties, the members of the Assembly shall undertake to comply with the principles and rules set out in the code of conduct for members of the Assembly, appended to these Rules of Procedure as a complementary text.

13.2. The provisions governing transparency and declarations of interest by members of the Assembly are appended to these Rules of Procedure as a complementary text.

CODE OF CONDUCT FOR MEMBERS OF THE PARLIAMENTARY ASSEMBLY¹

Purpose of the code of conduct

1. The purpose of this code is to provide a framework of reference for members of the Parliamentary Assembly of the Council of Europe in the discharge of their duties. It outlines general principles of behaviour which the Assembly expects of its members. By adhering to these standards members can maintain and strengthen the openness and accountability necessary for trust and confidence in the Parliamentary Assembly.

Scope of the code of conduct

2. This code applies to members in all aspects of their public life relevant to their duties as members of the Parliamentary Assembly.

3. Its provisions complement the obligations on members of the Parliamentary Assembly to abide by the rules of conduct, as well as resolutions of the Assembly and decisions of the President relating to members' conduct and discipline.

4. The application of this code shall be a matter for the Assembly. Guidance on all matters covered by this code of conduct and situations which may arise from its application may be sought from the Secretary General of the Parliamentary Assembly.

General principles of behaviour

5. While performing their mandate as members of the Parliamentary Assembly, members shall:
- 5.1. carry out their duties responsibly with integrity and honesty;
 - 5.2. take decisions solely in the public interest, without being bound by any instructions that would jeopardise members' ability to respect the present code;
 - 5.3. not act in such a way as to bring the Assembly into disrepute or tarnish the Assembly's image;
 - 5.4. use the resources available to them responsibly;

¹ See Rule 13 and Resolution 1903 (2012)

- 5.5. not use their public office for their, or anyone else's, private gain;
- 5.6. declare any relevant interests relating to their public functions and take steps to resolve any conflicts arising in a way that protects the public interest;
- 5.7. promote and support these principles by leadership and example;
- 5.8. undertake to comply with the Rules of conduct hereafter.

6. These principles will be taken into consideration when any complaint is received of breaches of this code of conduct.

Rules of conduct

7. Members shall respect the values of the Council of Europe and the general principles of behaviour of the Assembly and not take any action which would cause damage to the reputation and integrity of the Assembly or its members.

8. Members shall avoid conflicts between any actual or potential economic, commercial, financial or other interests on a professional, personal or family level on the one hand, and the public interest in the work of the Assembly on the other, by resolving any conflict in favour of public interest; if the member is unable to avoid such a conflict of interests, it shall be disclosed.

9. Members shall draw attention to any relevant interest by an oral declaration in any proceedings of the Assembly or its committees, or in any relevant communications.

10. No member shall act as a paid advocate in any work of the Assembly.

11. Members shall not request or accept any fee, compensation or reward intended to affect their conduct as members, particularly in their decision to support or oppose any motion, report, amendment, written declaration, recommendation, resolution or opinion. Members shall avoid any situation that could appear to be a conflict of interests or accept an inappropriate payment or gift.

12. Members shall not use their position as a member of the Parliamentary Assembly to further their own or another person's or entity's interests in a manner incompatible with this code of conduct.

13. Members shall use information with discretion, and in particular shall not make personal use of information acquired confidentially in the course of their duties.

14. Members shall register with the Secretariat of the Assembly any gifts or similar benefits (such as travel expenses, accommodation, subsistence, meals or entertainment expenses) of a value in excess of €200 that they accept in the performance of their duties as Assembly members.²

15. Members shall ensure that their use of expense claims, allowances, facilities and services provided by the Council of Europe is strictly in accordance with the relevant regulations laid down on these matters.

16. Former members of the Parliamentary Assembly involved in representing and fostering another person's or entity's interests in the Parliamentary Assembly shall not, throughout the period of such activity, benefit from the prerogatives of the honorary associates or the Honorary President of the Parliamentary Assembly as far as the distribution of documents and access to the buildings and meeting rooms are concerned.

² See the procedure for registering gifts or similar benefits approved by the Bureau of the Assembly on 21 January 2013, below.

Observance of the code of conduct

17. If a member is believed to have acted in breach of the code of conduct, the President of the Assembly may seek clarification and further information from the member concerned, the chairperson of the member's national delegation, the chairperson of the member's political group or the chairperson of the member's committee.

18. If necessary, the President of the Assembly may seize the Committee on Rules of Procedure, Immunities and Institutional Affairs to examine the circumstances of the alleged breach and make a recommendation as to a possible decision to be taken by the President.

19. Should the President of the Assembly decide that the member failed to comply with the code of conduct, he or she may prepare a reasoned statement to be read out in the Assembly if need be and/or inform the speaker of the national parliament concerned.

20. In cases of serious or repetitive breaches of the rules of conduct by a given member, and in accordance with the powers and responsibilities granted to the President of the Assembly in the Rules of Procedure, the President may take one or several of the following decisions: temporary deprivation of the right to speak and to be enrolled on the list of speakers; temporary deprivation of the right to sign an amendment, a motion or a written declaration. The President shall inform the Assembly accordingly.

21. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of the Assembly.

Procedure for registering gifts and similar benefits of a minimum value of €200 (Implementation of Resolution 1903 (2012)), approved by the Bureau of the Assembly on 21 January 2013

Paragraph 14 of the Code of conduct for members of the Parliamentary Assembly, appended to Resolution 1903, provides that *"Members shall register with the Secretariat of the Assembly any gifts or similar benefits (such as travel, accommodation, subsistence, meals or entertainment expenses) of a value in excess of 200 euros that they accept in the performance of their duties as Assembly members."*

In view of the Assembly's working methods, the following procedure shall apply:

- collection of information: any member having received a gift or enjoyed a similar benefit³ of a minimum value of €200 must make a declaration to that effect, within one month, by filling out a standard form (appended hereto). The declaration should be e-mailed to the Assembly Secretariat using the following dedicated address (pace.registrationgifts@coe.int).
- information management: once the declaration has been received, it will be entered, by date order, in a register kept by the secretariat of the Committee on Rules of Procedure, Immunities and Institutional Affairs. The information collected will be stored for a period of 5 years.
- access to the register: the declarations are public and may be made available to anyone on request.

³ Benefits (such as transportation, social or cultural events, meals, etc.) the costs of which are borne by the authorities are excluded from the declaration requirement on condition that these benefits are expressly mentioned in the official programme of the meeting (e.g. Standing Committee, committee or sub-committee or ad hoc committee or sub-committee), visit or mission (for example by the President of the Assembly, a rapporteur or Assembly representative).

**DECLARATION DE CADEAU ET TOUT AVANTAGE SIMILAIRE/
DECLARATION OF GIFT AND ANY SIMILAR BENEFIT**

INTERNAL USE ONLY / UTILISATION INTERNE UNIQUEMENT

A envoyer/to be sent to: pace.registrationgifts@coe.int

DONNÉES PERSONNELLES / PERSONAL DETAILS

M./Mr Mme/Ms

Nom de Famille / Surname:

Prénom / First Name:

Délégation/ Delegation:

DONATEUR/DONATOR

Nom de l'organisation, autorité,
compagnie ou la personne /
Name of the organisation, body,
company or person:

**REÇU(E)S A L'OCCASION DE LA MANIFESTATION SUIVANTE/
RECEIVED ON THE OCCASION OF THE FOLLOWING EVENT**

Intitulé
/ Title:

Date et
lieu/
Date
and
place:

DESCRIPTION

Par exemple: dénomination du cadeau, objet (marque),
repas, frais de déplacement, frais d'hébergement, billets
de spectacle etc./

For example: name of a gift, object (brand), meals, travel
expenses, accommodation expenses, show tickets, etc.

Valeur estimée / Estimated value

EUR

Information supplémentaire /
Additional information:

Signature :

Date:

TRANSPARENCY AND MEMBERS' DECLARATION OF INTEREST

Application of Rule 13 of the Rules of Procedure⁴

Article 1

1.1. All candidates for rapporteurship shall make an oral declaration of any professional, personal, financial or economic interests which might be considered relevant or conflicting with the subject of the report or with the country concerned by the report at the time of appointment in committee.

1.2. This declaration shall be recorded in the minutes of the meeting.

Article 2

2.1. Before speaking in committee or in plenary session on a subject on which they have a professional, personal, financial or economic interest which might be considered relevant or conflicting, members are encouraged to make ad hoc declarations of interest.

2.2. This not only serves transparency and is relevant for other members; it also makes colleagues and the general public aware of the members' experience on the subject concerned.

Article 3

3. Committees shall have the right to remove a rapporteur who failed to declare such interests or who made an untruthful declaration.

⁴ See Resolution 1554 (2007).

CODE OF CONDUCT FOR RAPPORTEURS OF THE PARLIAMENTARY ASSEMBLY⁵

Pursuant to Rule 50.1. of the Assembly's Rules of Procedure, the following rules shall be applicable to the rapporteurs of the Parliamentary Assembly in the exercise of their duties:

1. *Rules of conduct for rapporteurs:*

1.1. principle of neutrality, impartiality and objectivity, including in particular:

1.1.1. undertaking not to have any economic, commercial, financial or other interests, on a professional, personal or family level, connected with the subject of the report, and obligation to declare any relevant interests;

1.1.2. undertaking not to seek or accept instructions from any government or governmental or non-governmental organisation, or pressure group or individual;

1.1.3. undertaking not to accept any reward, honorary distinction, decoration, favour, substantial gift or remuneration from a government or governmental or non-governmental organisation, a pressure group or an individual in connection with activities carried out in the exercise of their duties;

1.1.4. undertaking to refrain from any act which may cast doubt on their neutrality;

1.2. obligation of discretion, in particular the undertaking not to make personal use of information acquired in the course of their duties;

1.3. undertaking of availability, in particular:

1.3.1. undertaking to attend committee meetings, Assembly sessions and Standing Committee meetings in connection with their duties;

1.3.2. undertaking to report to the committee;

1.3.3. undertaking to carry out all necessary fact-finding visits;

1.4. undertaking to present a timetable of action to the committee in keeping with the mandate, together with a deadline for submitting their draft report (in line with Rule 26.4. of the Assembly's Rules of Procedure);

1.5. undertaking to respect the values of the Council of Europe.

2. *Rules applicable to the conduct of fact-finding missions:*

2.1. undertaking that any fact-finding mission should be consistent with and take place within the framework of the rapporteur's mandate;

2.2. undertaking to act in a manner respectful of the laws and regulations of the country in which the fact-finding mission takes place.

3. *Penalty for breaching the rules:*

Should a rapporteur fail to honour one or more undertakings, the committee may withdraw his or her mandate and replace him or her.

4. Any appointed rapporteur shall be given a copy of the present code of conduct.

⁵ See Resolution 1799 (2011)

Conduct of members of the Parliamentary Assembly during Assembly debates (Rule 22 of the Rules of Procedure)⁶

1. Pursuant to Rules 20.1 and 22 of the Rules of Procedure, the President of the Assembly maintains order and decorum and ensures that debates are conducted in a civil and orderly manner, in conformity with the rules and practices in force.

2. Members of the Parliamentary Assembly shall behave in a courteous, polite and respectful manner towards each other and towards the President of the Assembly or any other person who is presiding. They shall refrain from any action that may disrupt the proceedings. This provision shall apply mutatis mutandis to meetings of the Bureau and of committees.

3. With regard to Assembly members' discipline and observance of the rules of conduct, paragraphs 17 to 21 of the code of conduct for members of the Parliamentary Assembly shall apply.

Special rules on the title and prerogatives of Honorary President of the Parliamentary Assembly of the Council of Europe (extract)

3. Former Presidents of the Parliamentary Assembly involved in representing and fostering another person's or entity's interests in the Parliamentary Assembly shall not, throughout the period of such activity, benefit from the prerogatives of the Honorary President of the Parliamentary Assembly as far as the distribution of documents and access to the buildings, the Chamber and meeting rooms are concerned.

Special rules on honorary association with the Parliamentary Assembly (extract)

3. Former members of the Parliamentary Assembly involved in representing and fostering another person's or entity's interests in the Parliamentary Assembly shall not, throughout the period of such activity, benefit from the prerogatives of the honorary associates as far as the distribution of documents and access to the buildings, the Chamber and meeting rooms are concerned.

⁶ See Resolution 1965 (2013)

GUIDELINES ON THE OBSERVATION OF ELECTIONS BY THE PARLIAMENTARY ASSEMBLY (extracts)

F. Conflict of interest and code of conduct of members of ad hoc committees

18. Members of ad hoc committees for the observation of elections shall abide by the provisions of the Code of Conduct for members of the Parliamentary Assembly of the Council of Europe appended to Resolution 1903 (2012).

19. In particular, members of ad hoc committees, in the accomplishment of their pre-electoral, electoral or post-electoral duties, shall avoid conflicts between any actual or potential economic, commercial, financial or other interests on a professional, personal or family level and their election observation activity in the country concerned; if a member is unable to avoid such a conflict of interest it should be disclosed.

20. Members shall not request or accept any fee, compensation or reward intended to affect his or her conduct as a member of an ad hoc committee. They shall avoid any situation that could appear to be a conflict of interest or receiving an inappropriate payment or gift.

21. All candidates for membership of an ad hoc committee, at the time of putting forward their candidacy, shall make a written declaration of any actual or potential conflict of interest concerning them or members of their families, whether related directly or indirectly and/or with whom they are in regular contact, in connection with the country concerned by an election observation. In accordance with paragraph 14 of the Code of Conduct, they shall also register with the Secretariat of the Assembly any gifts or similar benefits (such as travel, accommodation, subsistence, meals or entertainment expenses) of a value in excess of 200 euros that they have accepted in the last twenty four months from the authorities of the country concerned, either directly or indirectly.

22. The aforementioned declarations shall be made available to the Bureau when it approves the composition of an ad hoc committee. Failure to sign such declarations shall disqualify the member concerned from being appointed to the ad hoc committee in question.

23. Members of an ad hoc committee shall refrain from engaging in public statements interviews, press conferences or communications via social networks which could contradict or conflict with the final assessment made by the ad hoc committee. This applies at all stages of the process: during the pre-electoral period, including in the context of a pre-electoral mission, during and following the election day, including in the context of a post-electoral mission.

24. Members of an ad hoc committee shall abstain from engaging in public activities which could appear to interfere in the electoral process or could be considered as partisan. This applies at all stages of the process: during the pre-electoral period, including in the context of a pre-electoral mission, during and following election day, including in the context of a post-electoral mission.

25. Additionally, the provisions stipulated in the Code of Conduct for rapporteurs of the Parliamentary Assembly (Resolution 1799 (2011)) shall apply *mutatis mutandis* to chairpersons of ad hoc committees over and above the provisions of the Appendix to Resolution 1903 (2012).

26. Alleged breaches of paragraphs 18-21 and 23-25 above shall be dealt with in the manner prescribed in paragraphs 17 to 20 of the appendix to Resolution 1903 (2012).

