

Code of conduct for members of the Parliamentary Assembly

(Compendium of provisions in force on 1 April 2018)

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

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 Parliamentary Assembly and other ethical regulations, appended to these Rules of Procedure as complementary texts.

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;

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.

¹ See Rule 13, Resolution 1903 (2012) and Resolution 2182 (2017)

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 promise, give, 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.

Declarations of interests

17. Members shall be personally responsible for submitting, at the opening of each session of the Parliamentary Assembly, a declaration of interests by means of the appropriate form. The declaration shall be published on the Assembly's website.

Observance of the code of conduct

18. Implementation of this code is the responsibility of the President of the Assembly, the Committee on Rules of Procedure, Immunities and Institutional Affairs and the Assembly, in accordance with the powers and responsibilities granted to them by the Rules of Procedure and this code of conduct.

19. 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

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

of the member's committee. The President of the Assembly may rule on minor breaches of the Code of Conduct if the Committee on Rules of Procedure, Immunities and Institutional Affairs has not been called upon to consider the same facts.

20. The Committee on Rules of Procedure, Immunities and Institutional Affairs (hereafter "the committee") shall examine alleged breaches of the code of conduct by members of the Assembly brought to its attention by the President of the Assembly or by at least 20 members of the Assembly representing at least five national delegations (using the appropriate investigation request form). It may also start an investigation of its own motion.

21. The committee meets in camera and shall act with due respect for confidentiality:

21.1. if it decides to open an investigation, it shall notify the member concerned and send him or her a copy of the evidence submitted to it in support of the allegations, inform the member of his or her rights and request the member's preliminary observations;

21.2. it shall hear the member concerned together with any witnesses; the records of these interviews or hearings shall be confidential;

21.3. it shall give the member concerned, at all stages of the proceedings, the opportunity to comment on all the evidence gathered during the investigation in support of the allegations, including evidence that has led to identification of possible further violations of the rules; it may consider any evidence provided by the member concerned and hear any witness proposed by the member concerned who is able to provide evidence relevant to the investigation;

21.4. before finalising its conclusions, it shall give the member the opportunity to comment on the factual parts of the draft report.

22. Members shall co-operate with the committee at all stages of the investigation. They must disclose any information or documents requested.

23. If the committee finds that the allegations have no basis, it will inform the complainants and the member concerned.

24. If the committee finds that there has been a minor violation of the code of conduct, owing to negligence for example, it will inform the member concerned and ask him or her to take the necessary steps. The committee shall decide whether the decision shall be published on the Assembly's website.

25. If the committee finds that there has been a serious breach of the code of conduct, it will prepare a report containing all the evidence gathered in the course of the investigation, the observations of the member concerned, and its conclusions. This report will be published on the Assembly's website. The committee shall decide whether to impose a sanction and determine the appropriate sanction, in accordance with Rule 27.

26. If the committee finds that acts or omissions being investigated could constitute a violation of the criminal law of a member State, it will notify the relevant national authorities. It may decide to suspend the proceedings in the Assembly if it turns out that the national authorities are conducting an investigation into the same facts.

Measures in the event of non-compliance with the code of conduct

27. In cases of serious or repetitive breaches of the rules of conduct by a given member, the Committee on Rules of Procedure, Immunities and Institutional Affairs may take one or several of the following measures:

27.1. temporary deprivation of the right to speak and to be enrolled on the list of speakers;

27.2. temporary deprivation of the right to sign an amendment, a motion for a resolution or recommendation or a written declaration;

- 27.3. temporary deprivation of the right to address questions to the Committee of Ministers;
- 27.4. temporary deprivation of the right to be appointed rapporteur or temporary ban on acting as a committee rapporteur;
- 27.5. temporary ban on being a member of an ad hoc election observation committee;
- 27.6. temporary deprivation of the right to stand as a candidate for President of the Assembly or chairperson or vice-chairperson of a committee or sub-committee;
- 27.7. and temporary deprivation of the right of institutional representation of the Assembly and its committees.

CODE OF CONDUCT FOR RAPPORTEURS OF THE PARLIAMENTARY ASSEMBLY³

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. obligation to declare any economic, commercial, financial or other interests, on a professional, personal or family level, connected with the subject of the report;⁴

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. Rules applicable to the publication of sources used in the drafting of the report:

The committee can ask the rapporteur, or the rapporteur may decide himself or herself, to publish, in an appendix to the draft report, the list of individuals, experts and representatives of governmental or non-governmental organisations consulted, met or received in the process of drafting the report.

³ See Resolution 1799 (2011) and Resolution 2182 (2017)

⁴ All candidates for rapporteurship shall declare any 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. This declaration shall be recorded in the minutes of the meeting.

4. *Penalty for breaching the rules:*

Should a rapporteur fail to honour one or more undertakings, in particular if he or she failed to declare any relevant interests or made an untruthful declaration, the committee shall withdraw his or her mandate and replace him or her.

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

Conduct of members of the Parliamentary Assembly during Assembly debates (Rule 22 of the Rules of Procedure)⁵

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 18 to 27 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. When awarded the title of Honorary President, the former President of the Assembly shall sign a sworn declaration stating that he or she is not involved in representing or fostering another person's or entity's interests in the Assembly. The Honorary President shall be stripped of the title if he or she failed to declare any relevant interests or made an untruthful declaration.

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

3. When awarded the title of honorary associate, the former member of the Assembly shall sign a sworn declaration stating that he or she is not involved in representing or fostering another person's or entity's interests in the Assembly. The former member shall be stripped of the title if he or she failed to declare any relevant interests or made an untruthful declaration.

⁵ See Resolution 1965 (2013)