

AS/Pro (2025) 06
19 March 2025

Committee on Rules of Procedure, Immunities and Institutional Affairs

Memorandum on the interpretation of Rules 6 and 9 of the Assembly's Rules of Procedure and whether it is possible to challenge the previously ratified credentials of a national delegation whose members have all subsequently resigned

Opinion for the Bureau of the Assembly¹ prepared by the Chairperson of the Committee

1. Introduction and background

1. On 12 March 2025 and following the use of the written procedure given the urgency of the request, the Bureau requested an opinion from the Committee on Rules of Procedure, Immunities and Institutional Affairs (Rules Committee) on whether the ratified credentials of a delegation, whose members have subsequently all resigned, could be challenged. This followed a related request at the meeting of the Committee on the honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee) on 4 March 2025.²

2. The relevant factual background is that on 29 January 2025, the Assembly adopted [Resolution 2585 \(2025\)](#) "Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Georgia". In this Resolution, the Assembly expressed serious concerns about the democratic backsliding in Georgia. The Assembly decided to ratify the credentials of the members of the Georgian delegation whilst suspending certain rights due to ongoing human rights abuses. The Assembly called on the Georgian authorities to recommit to Council of Europe values, and to take specific actions including by engaging in inclusive political processes. The Assembly noted that it could have recourse to Rule 9 (reconsideration of previously ratified credentials on substantive grounds) at the next part-session in April.

3. The members of the Georgian delegation to the Parliamentary Assembly all resigned through individual, identically worded, signed, letters of resignation, all dated 3 February 2025.

2 Relevant provisions of the Statute and the Rules of Procedure

4. The Statute of the Council of Europe sets out the obligations on member States of the Council of Europe and makes provision in respect of the two statutory organs of the Council of Europe – the Committee of Ministers and the Parliamentary Assembly.

5. Article 25(a), (b) and (c) of the Statute of the Council of Europe provides:

"a. The Consultative 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, in such a manner as it shall decide [...].

b. The term of office of representatives thus appointed will date from the opening of the ordinary session following their appointment; it will expire at the opening of the next ordinary session or of a later ordinary sessions, except that, in the event of elections to their parliaments having taken place, members shall be entitled to make new appointments.

¹ Approved by the committee and declassified by the Bureau on 19 March 2025.

² Revised synopsis of the meeting of the Monitoring Committee, Paris, 4 March 2025. AS/MON (2025) CB 02 REV.

c. *If a member fills vacancies due to death or resignation, or proceeds to make new appointments as a result of elections to its parliament, the term of office of the new representatives shall date from the first sitting of the Assembly following their appointment.”*

6. Rule 6 (credentials) of the Rules of Procedure gives further effect to these provisions of the Statute and provides:

“6.1. 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. The credentials shall be transmitted, if possible, not less than one week before the opening of the Session.

[...] 6.2.c. specifies that “credentials of members of a national delegation shall be accompanied by a signed written statement by the individual members...[...].

6.3. At the beginning of each ordinary session these credentials shall be submitted to the Assembly by the provisional President for ratification.

6.4. Credentials presented at a later date shall be transmitted to the President of the Assembly, if possible, not less than one week before the first sitting of a part-session or a meeting of the Standing Committee, for ratification.”

7. Rule 9 (reconsideration of previously ratified credentials) of the Rules of procedure provides:

“9.1. The Assembly may reconsider ratified credentials of a national delegation as a whole in the course of the same ordinary session [...].

8. Rule 11 (duration of term of office of representatives and substitutes) of the Rules of Procedure provides:

“11.1. The term of office of representatives and substitutes shall begin when their credentials are ratified.

11.2. Subject to the provisions of paragraphs 3 and 4, the term of office of representatives and substitutes shall expire at the opening of the next ordinary sessions.

[...]”

3. The nature of credentials

9. Credentials are not mentioned in the Statute but rather in the Rules of Procedure of the Assembly, as a means of giving effect to the ‘terms of office’ of representatives as provided for in Article 25 of the Statute. The credentials process assists in verifying that members appointed to the Assembly meet the criteria for appointment as set out in the Statute and the Rules of Procedure. The credentials of individuals so appointed are examined at the part-session or Standing Committee when that individual’s credentials are put forward – indeed the credentials of different individual members of a national delegation can be ratified on different dates depending on when that individual’s credentials were submitted.

It is clear from the wording and logic of Rules 6(1) and 11(1) that the credentials are the individual credentials of members (or proposed members) of the Parliamentary Assembly and that a given member’s term of office only begins when that member’s own credentials are ratified.

4. Provisions enabling challenges to credentials

10. Rules 7 and 8 provide that still unratified credentials may be challenged on procedural or substantive grounds, respectively. Rule 9 provides for previously ratified credentials to be challenged on substantive grounds.

11. Rules 8 and 9, concerning a challenge on substantive grounds, specifically refer to the challenge relating to the “credentials of a national delegation as a whole”.³ The logic behind this is because a substantive challenge relates not to the qualities of the individual member, but to the relationship between that member State and the Council of Europe.⁴ As such, a substantive challenge implicates the credentials of all members of the national delegation and not only some of its members – their credentials “as a whole” are challenged under the substantive procedure.

³ Rule 8.1 and 9.1

⁴ The grounds for a substantive challenge are a “serious violation of the basic principles of the Council of Europe mentioned in Article 3 of, and the Preamble to, the Statute”, or due to a “persistent failure to honour obligations and commitments and lack of co-operation in the Assembly’s monitoring procedure”.

Whilst the credentials relate to individual members of a delegation, those credentials can only be challenged on substantive grounds in relation to the credentials of all of the members of the national delegation taken together. The collective nature of the challenge on substantive grounds and its potential repercussions for a delegation as a whole does not, however, affect the individual nature of the credentials of members, as such.

5. Resignation of individual members of a national delegation

12. Article 25.c of the Statute and Rule 11.4 of the Rules of Procedure envisage the possibility of members of the Assembly resigning during an ordinary session of the Parliamentary Assembly. Those provisions envisage the relevant member State filling those vacancies during the ordinary session and that the 'term of office' of the new representatives starts from the first sitting following their appointment.

13. Giving further effect to that provision, Rule 6.4 of the Rules of Procedure makes clear the procedure for presenting credentials otherwise than during the opening of the ordinary session (whether to replace members who have died, resigned, or following an election). This requires new credentials to be ratified (as is common in part-sessions or Standing Committees) in respect of the new member – this is logical as the credentials are linked to the term of office of that individual member.

When a member resigns, that member is no longer a member of the Assembly, and consequently has no credentials as a member of the Assembly.

6. Can Rule 9 be used to challenge a national delegation which has no members?

14. Rule 9 of the Rules of Procedure enables a challenge to the already ratified credentials of a delegation as a whole. Its operation thus requires there to be a national delegation comprising some members whose credentials have been ratified in order for there to be some credentials to challenge. Rule 9 cannot operate in the absence of any members and consequently any ratified credentials.

Rule 9 concerns a challenge to previously ratified credentials. It cannot be used to challenge credentials that no longer exist. The procedure under Rule 9 cannot be used in respect of a member State that has no members and consequently no ratified credentials and no national delegation to the Parliamentary Assembly.

Due to the resignation, on 3 February 2025, of each of the members of the Georgian delegation, there are no ratified credentials belonging to any Georgian parliamentarian and consequently there is no Georgian national delegation to the Parliamentary Assembly.

7. Conclusions

15. In conclusion and by way of summary of the above:

15.1. It is clear from the wording, logic and operation of the Rules of Procedure that the credentials refer to the individual credentials of members (or proposed members) of the Parliamentary Assembly. An individual member's term of office begins when their own credentials are ratified. When a member resigns, that member is no longer a member of the Assembly and consequently has no credentials as a member of the Assembly.

15.2. Whilst the credentials relate to individual members of a delegation, those credentials can only be challenged on substantive grounds in relation to the credentials of all of the members of the national delegation taken together. The collective nature of the challenge on substantive grounds and its potential repercussions for the delegation as a whole does not, however, affect the individual nature of the credentials of those members, as such.

15.3. Rule 9 (reconsideration of previously ratified credentials on substantive grounds) cannot be used to challenge credentials that no longer exist. The procedure under Rule 9 cannot be used in respect of a member State that has no members and consequently no ratified credentials and no national delegation to the Parliamentary Assembly.

15.4. Due to the resignation, on 3 February 2025, of each of the members of the Georgian delegation, there are no ratified credentials belonging to any Georgian parliamentarian and consequently there is no Georgian national delegation to the Parliamentary Assembly.