

34th SESSION

Report
CG34(2018)06prov
16 March 2018

**Revision of Rules 9, 64 and 95 of the
*Congress Rules and Procedures***

Bureau of the Congress

Co-rapporteurs:¹ Xavier CADORET, France (L, SOC)
Marc COOLS, Belgium (L, ILDG)

Draft resolution (for vote)2

Summary

The co-rapporteurs propose changes to Rules 9, 64 and 95 of the Rules and Procedures in order to provide greater clarity, transparency, flexibility and autonomy.

1 Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

DRAFT RESOLUTION²

1. The rapporteurs on the Rules and Procedures propose several modifications aimed at improving the clarity and transparency of the rules concerned and giving the Congress and its Bureau greater flexibility and autonomy.
2. Article 9: for greater clarity the rapporteurs suggest that the provisions on funding of political groups, adopted as guidelines by the Bureau in 2013, appear as an appendix to the Rules and Procedures.
3. Article 64: with regard to Partner for Local Democracy status, created in 2014 and incorporated into its Rules and Procedures in 2015, the rapporteurs on the Rules and Procedures believe that certain modifications to the conditions pertaining to composition of the delegations would enhance the current provisions, namely:
 - a. delegations granted Partner for Local Democracy status should be composed not only of representatives but also of substitutes;
 - b. the Congress Bureau should have complete freedom to decide on the composition and size of such delegations.
4. Article 95: the Congress' rules are linked, in several areas, to those of the Parliamentary Assembly. The rapporteurs propose that the Congress be given the ability to adapt provisions to its own needs and specificities and suggest removing the automaticity between the Congress' Rules and Procedures and those of the Parliamentary Assembly.
5. The Congress adopts the proposed changes to the Rules and Procedures, as appended, which will be incorporated into the *Rules and Procedures of the Congress* and enter into effect immediately after adoption.

2 Preliminary draft resolution approved by the Bureau of the Congress on 2 February 2018.

Bureau members:

G. Mosler-Törnström, President of the Congress; A. Knape, President of the Chamber of Local Authorities; *G.M. Helgesen*, President of the Chamber of Regions; *B. Toce*; *E. Campbell-Clark*; L. Ansala; *K.H. Lambertz*; *M. Angelopoulos*; *Y. Svitlychna*; *B. Pecan*; *A. Magyar*; *X. Cadoret*; *S. Ugrehelidze*; *C. Lammerskitten*; D. Chirtoaca; *G. Doganoglu*; S. Orlova.

N.B : The names of members who took part in the vote are in italics.

Bureau Secretariat: D. Rios Turón, L. Taesch.

Appendix 1

Rule 9 – Formation and funding of political groups

[...]

3. Rules on funding of political groups are decided upon by the Bureau of the Congress and added as an appendix to the current Rules and Procedures~~detailed in the Administrative Rules.~~

Rule 64 – Partner for Local Democracy status

[...]

8. With regard to the composition of each Partner for Local Democracy delegation:
- a. this shall respect, as far as possible, the principles laid down in the Charter and the Congress's Rules and Procedures, in particular with regard to Article 2. Delegations should therefore reflect, as far as possible, an equitable geographic and political representation, and all attempts should be made to fulfil the gender provisions of Article 2, ensuring that at least one representative of the under-represented sex is included ~~in the delegation~~among the representatives and one among the substitutes;
 - b. the number of members will be laid down by the Bureau of the Congress on a case-by-case basis;~~and, where appropriate, the practice in place in the Parliamentary Assembly of the Council of Europe shall act as a guide;~~
 - c. it shall consist of representatives and substitutes holding a local or regional electoral mandate in accordance with the provisions of Article 2 of the Charter.~~There shall be no substitutes in the delegation;~~
 - d. it shall elect a head of delegation among its representatives and must ensure the support of a secretary or secretaries who are independent from all national government or agency authority for the purposes of this work and who preferably have ties with one of the associations of local and/or regional authorities entitled to be consulted with regard to the composition of national delegations. The appointment of the secretary or secretaries of delegation must be notified, in writing, to the Secretary General of the Congress by the head of delegation;
 - e. information on its composition and nomination shall be updated as required in accordance with the relevant procedures, and at the latest 15 days prior to each renewal session of national delegations to the Congress.

[...]

Rule 95 – Working languages

The working languages of the Congress ~~are those of the Parliamentary Assembly~~ will be decided upon by the Congress Bureau. Simultaneous interpretation must be provided between these languages during proceedings.

Appendix 2

Guidelines for the funding of political groups from the Congress budget

(Adopted by the Bureau on 17 September 2013)

Preamble:

The Congress fully recognises the important role played by its political groups in particular for the promotion of democratic dialogue and pluralism.

Political groups contribute to structuring and enriching the work of the Congress through the variety of opinions and views they put forward, in particular when the Congress is debating or adopting texts.

Furthermore, when elections are held in the various Congress bodies, political groups contribute to fair electoral competition among candidates from different political parties.

Since its creation, the Congress has officially recognised the role of the political groups and since 2012 has included in its Rules of Procedure a specific chapter dealing with political groups (Chapter III) including their funding from the Congress budget.

As part of the democratic life of the Congress, the political groups need a basic infrastructure in order to play their role. A financial support to cover their basic needs from the Congress budget is therefore needed and justified.

In this spirit, the Bureau of the Congress, whilst fully respecting the autonomy of the Congress political groups, has adopted the following Guidelines and has endorsed an Administrative Arrangement model which clarify the funding of political groups from the Congress budget and obligations stemming from these texts.

*** **

1. As soon as possible after a Congress Bureau renewal (i.e. after the elections of the Congress President and Vice-Presidents), the Secretary General of the Congress and the president of each of the Congress political groups shall sign an Administrative Arrangement. These arrangements are for a two-year period. Each Administrative Arrangement shall remain valid even if the president of a political group or if the Secretary General of the Congress change.
2. Each year, once the overall Congress budget is approved by the Committee of Ministers of the Council of Europe, the Secretary General of the Congress shall allocate an amount for the functioning of all existing political groups. He/she shall inform the Bureau of the Congress of this allocation. In addition he/she shall foresee funds for covering the interpretation costs for group meetings during the Congress sessions.
3. This amount – apart from the interpretation costs for group meetings during the Congress sessions – shall be allocated to the groups existing at the beginning of a given year on the basis of the existing Congress Rules (2012).
4. Each year, the allocation to each political group shall be calculated on the basis of the registered members of the group as of 1 January.
5. In the first week of January of each year, the president of each political group shall send to the Secretary General of the Congress the complete list of members of the group. This information will be checked against the information contained in the Congress's database ("Who's who") which indicates the choice of affiliation made by each Congress member individually.

6. In case of discrepancy concerning the numbers of members affiliated to the group, the Secretary General of the Congress shall inform the group in question and ask each member to individually confirm his/her affiliation in the "Who's who" database no later than the following week.

7. Once the number of registered members for the group is clarified, there shall be no revision of budget allocation during a given budgetary year even if the number of members affiliated to the political group changes during that year.

8. The political groups shall use the allocation from the Congress exclusively for their functioning and in particular for the following eligible expenses:

- expenditure of secretariat staff (salaries, insurance)
- administrative expenses (office postage, telephone, office supplies)
- group meetings, missions, interpretation costs (other than those covered by the Congress on the occasion of Congress sessions) and translation costs.

9. In order to ensure coherence with the financial regulations of the Council of Europe, the statutes of political groups shall comply with a number of criteria and should specifically include provisions for:

a. The election of at least one treasurer, who cannot simultaneously hold the office of president of the group; the statutes shall specify his/her responsibilities and the duration of his/her mandate; the president and treasurer(s) shall decide on the use of funds granted by Congress. The treasurer shall prepare the financial reports to be examined by the auditors of the group.

b. The election of two auditors, who cannot hold office as member of the body responsible for managing the budget of the group; the statutes shall specify their responsibilities and the duration of their mandate; the auditors shall verify that the entries have been correctly passed in the books of account; they shall report to the group's plenary assembly and sign the statement of expenses (Model 2 in Appendix I of the Administrative Arrangement) which shall be forwarded to the Secretary General of the Congress.

10. The political groups shall transmit to the Secretary General of the Congress of the Council of Europe, preferably before the end of the Congress March session, a request for payment signed by the president of the political group together with :

- a provisional list of expenses for the year for which the Congress allocation is granted (model 1 in Appendix I of the Administrative Arrangement, in English or French);
- a statement of expenses (model 2 in Appendix I of the Administrative Arrangement, in English or French), made in the previous year, signed by the president of the political group, the treasurer and the two auditors.
- the relevant extract of the minutes of the group's plenary assembly at which the auditors' report was adopted as an appendix to the statement of expenses (model 2 in Appendix I of the Administrative Arrangement).

11. By signing the Administrative Arrangement, each political group commits itself to revise if necessary, its statutes, at the latest by 31 March 2014, in order to ensure full coherence with the financial regulations of the Council of Europe and to comply with the Guidelines and in particular with the specific criteria listed above. Payment shall only be made once the statutes in force comply with these Guidelines.

12. Each year the allocation shall be paid in a single instalment as laid down in the Administrative Arrangement and provided that the requested documentation has been transmitted.

13. Unspent funds at the end of a budgetary year shall be considered an advance for the following year and shall be deducted from the following year's allocation when it is paid.

14. The Secretary General shall inform the Congress Bureau whether the political groups abide by the terms of the Administrative Arrangement signed. In case of non-respect, the Secretary General shall inform in writing the president of the political group concerned and ask him/her to remedy the situation as soon as possible. The Secretary General shall inform the Congress Bureau accordingly, which may decide that parts or the whole of the allocation may not be paid.

15. When a new group is formed in the course of a given year, specific modalities are to be applied:

- an arrangement is to be signed following the information of the Congress Bureau (Rule 9) on the creation of the group;
- a new group shall receive its allocation in the financial year of its foundation consisting of a budgetary allocation calculated on a *pro rata temporis* basis taking account of the number of members registered in the given group at the date of the signature of the initial Administrative Arrangement;
- additional budgetary requirements for new groups shall be covered if possible by transfer from other budget lines of the Congress. If no additional funds are available for the given year, the Congress will pay this allocation to this new group from its budget in the following year.

16. If a group ceases to exist in the course of a given year, the allocations to the other groups remain unchanged. The Secretary General of the Congress informs the Bureau and requests the group in question to transfer any of its remaining funds back to the Congress.

17. These Guidelines shall become applicable for Administrative Arrangements effective after 31 December 2013. Guideline 4 shall also be applicable for the allocations for 2013.