

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 425 (2018)¹ Revision of the Congress Charter: proposals for a sustainable future

1. The Council of Europe's difficult financial situation in early 2018 was particularly challenging for the Congress of Local and Regional Authorities of the Council of Europe as its budget was cut by 9.1%, which had an immediate impact on its work, and the freezing of posts compounded an already precarious state of affairs with regard to personnel.

2. In the light of the critical situation of the Congress budget and staff in early 2018, the Congress Bureau decided that steps had to be taken to safeguard the Congress's functioning and consequently set up a Strategic Reflection Group tasked with making proposals that would guarantee the Congress's sustainability and enhance its capacity to react swiftly and autonomously to future challenges.

3. The proposals contained in the present recommendation and reflected in the appended revised Charter are those that were selected by the Bureau and are intended to secure not only the institutional functioning of the Congress but its capacity to continue to contribute thematically to the work of the Council of Europe, to deliver, to maintain its outreach and to remain a relevant and visible part of the Organisation.

4. The Congress was entrusted by the Heads of State and Government of the Council of Europe with representing the interests of the local and regional authorities of the Organisation's 47 member States, monitoring the European Charter of Local Self-Government (ETS No. 122) and its additional protocol on the right to participate in the affairs of a local authority (CETS No. 207), developing grass-roots democracy and bringing the local and regional perspective to the Organisation's work. Ensuring its capacity to carry out this mission requires a pragmatic approach which will enable the Congress to react, if necessary in the future, with far-reaching and comprehensive changes.

5. In order to guarantee its ability to fulfil its role sustainably and face the challenging times ahead, based on the experience of twenty-five years of delivery, political dialogue and in the spirit of qualitative reform, the Congress therefore decides to:

a. generally strengthen the Congress's institutional autonomy by developing Congress-specific rules of functioning which are disassociated, where appropriate, from those of the Parliamentary Assembly;

b. define its own methodology for forming national delegations based on updated population sizes;

c. make no changes to the current size, structure and language diversity of the Congress but retain the possibility to re-examine them, should future circumstances require it. For any re-examination, a transparent engagement and consultation of national delegations has to be guaranteed;

d. allow national authorities, in consultation with their national associations or respective regional co-ordination structures, to appoint delegates to the chamber which best corresponds with their internal territorial structure and interests:

i. a minimum and maximum presence of each delegation within each chamber could be defined in the Rules and Procedures of the Congress;

ii. each delegation's choice of distribution, once made, would last one full mandate and would not be subject to change within that period;

iii. representatives, or duly mandated substitutes, would have full voting rights in their respective chambers;

e. restrict representation in the plenary Bureau to one representative per member State in order to ensure the widest possible geographical representativity;

f. extend the mandate of its representatives and substitutes from 4 to 5 years;

g. extend the mandate of its presidents, vice-presidents and chairs and vice-chairs of committees from 2 to 2.5 years.

6. The Congress thanks the Committee of Ministers for its past support and encouragement and asks it to:

a. safeguard the Congress's autonomy and ability to perform its statutory tasks and thematic activities in order to fulfil its specific role within the Council of Europe and to continue to make a substantial contribution;

b. approve the revision of Statutory Resolution CM/Res(2015)9 of the Committee of Ministers relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers on 8 July 2015, in the light of the proposals contained in this recommendation.

7. The Congress decides to incorporate the amended provisions of the Charter into the Rules and Procedures of the Congress following the adoption of the revised Statutory Resolution and Charter by the Committee of Ministers.

Appendix

Statutory Resolution CM/Res relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto

(Adopted by the Committee of Ministers on XX at the XX meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe,

Having regard to Statutory Resolution (94) 3 of the Committee of Ministers relating to the setting up of the Congress of Local and Regional Authorities of Europe;

Having regard to the Statutory Resolution (2000) 1 of the Committee of Ministers relating to the Congress of Local and Regional Authorities of Europe;

Having regard to Congress Recommendation 162 (2005) on the revision of the Charter of the Congress of Local and Regional Authorities of the Council of Europe;

Having regard to Statutory Resolution CM/Res(2007)6, Statutory Resolution CM/Res(2011)2 and Statutory Resolution CM/Res(2015)9 of the Committee of Ministers relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto;

Considering that one of the bases of a democratic society is the existence of a solid and effective local and regional democracy in conformity with the principle of subsidiarity included in the European Charter of Local Self-Government (ETS No. 122) whereby public responsibilities shall be exercised, in preference, by those authorities which are closest to the citizens, having regard to the extent and nature of the public tasks and the requirements of efficiency and economy;

Bearing in mind that the creation of a consultative organ representing both local and regional authorities in Europe was approved by the Heads of State and Government of the Council of Europe at the Vienna Summit;

Having regard to the conclusions of the Warsaw Summit deciding to “pursue, in partnership with the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, intergovernmental co-operation on democracy and good governance at all levels” and stating that “the Congress of Local and Regional Authorities of the Council of Europe must continue to promote local democracy and decentralisation, taking into account the internal organisation of the countries concerned, so as to reach all levels of European society”;

Wishing to enhance and develop the role of the Congress within the institutional structure of the Council of Europe;

Considering that the provisions hereinafter set out are consistent with the Statute of the Council of Europe,

Resolves to approve the revised Charter of the Congress of Local and Regional Authorities as appended to this resolution which replaces all previous versions.

Appendix to Statutory Resolution CM/Res

Charter of the Congress of Local and Regional Authorities of the Council of Europe

(Adopted by the Committee of Ministers on XX at the XX meeting of the Ministers’ Deputies)

Role and mission of the Congress

Article 1

The Congress of Local and Regional Authorities of the Council of Europe (hereinafter referred to as the Congress) is a consultative organ composed of representatives of local and regional authorities. Its membership and functions are regulated by the Charter of the Congress of Local and Regional Authorities of the Council of Europe adopted by the Committee of Ministers and by the *Rules and Procedures* adopted by the Congress. The Congress shall undertake its activities within the framework of the priorities of the Council of Europe.

Article 2

1. The Congress shall be consulted by the Committee of Ministers and the Parliamentary Assembly on issues which are likely to affect the responsibilities and interests of the local and/or regional authorities which the Congress represents.

2. The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government (ETS No. 122).

3. The Congress shall also prepare reports and recommendations following the observation of local and/or regional elections.

4. In addition to its consultative and monitoring functions, the Congress undertakes activities, the aims of which shall be:

a. to ensure the participation of local and regional authorities in the implementation of the ideal of European unity, as defined in Article 1 of the Statute of the Council of Europe, as well as their representation and active involvement in the Council of Europe’s work;

b. to submit proposals to the Committee of Ministers in order to promote local and regional democracy;

c. to draw up recommendations and guidelines for adoption by the Committee of Ministers wherever there is a local and/or regional dimension;

d. to prepare suggestions, in the form of resolutions, addressed to the Congress or to local and regional authorities and their associations;

e. to promote co-operation between local and regional authorities;

f. to contribute to the Council of Europe action plans and its policy towards neighbouring regions with regard to issues having a local and/or regional dimension;

g. to maintain, within the sphere of its responsibilities, contact with international organisations as part of the general external relations policy of the Council of Europe;

h. to work in close co-operation, on the one hand with the national associations of local and regional authorities and, on the other, with the European organisations representing local and regional authorities of the member States of the Council of Europe, and notably with the European Committee of the Regions of the European Union.

Composition of the Congress

Article 3

The Congress is composed of two chambers: the Chamber of Local Authorities which represents local authorities and the Chamber of Regions which represents regional authorities. In addition to its statutory organs, the Bureau, the Statutory Forum and its committees, it may set up those ad hoc working groups which are necessary to perform its tasks.

Article 4

Delegates may form political groups. The functioning, prerogatives and financing of such groups shall be detailed in the Congress Rules and Procedures.

Article 5

1. The Congress shall be composed of 324 representatives and 324 substitutes. This number may, at the request of the Congress, be modified by the Committee of Ministers.

2. The representatives and substitutes shall represent local and regional bodies and either hold a specific local or regional authority mandate resulting from direct elections or be politically accountable to a directly elected assembly. In the latter case, it must be possible to dismiss them individually or following the decision of the aforementioned assembly and that possibility of dismissal must be provided for by law.

3. The membership of each member State's delegation to the Congress shall be such as to ensure, as far as possible:

a. a balanced geographical distribution of delegates from the member State's territory;

b. equitable representation of the various types of local and regional authorities in the member State;

c. equitable representation of the various political forces reflecting either the latest local and regional elections or the effective political distribution within the statutory bodies of local and regional authorities in the member State;

d. equitable representation of women and men meaning that all delegations must include delegates of both genders with a minimum participation of at least 30% of the under-represented gender among the representatives and among the substitutes.

4. Representatives and substitutes shall be appointed for a period of five years. The rules and procedures governing the choice of representatives to the Congress shall also apply to substitutes.

5. Representatives and substitutes shall maintain their functions until the opening of the session following the expiration of that period, referred to as the renewal session, except in the event of the death or resignation of a representative or substitute, the loss of their specific local or regional mandate or the termination of their Congress mandate following application of the Congress's Code of Conduct. In such a case a replacement shall be chosen, in accordance with the same rules and procedures, for the remainder of his or her predecessor's mandate.

6. A representative or substitute who has lost his or her specific local or regional mandate may not remain a member of the Congress for more than six months after said loss. In the case of local and/or regional elections taking place up to four months prior to a renewal session, the five year mandate provided for in Article 5.4 of the Charter may be extended for a maximum of six months after the election.

Article 6

1. The number of seats allocated to the delegations of each member State shall be approved by the Congress and adopted by the Committee of Ministers. The population-based method to establish this number shall be governed by the Rules and Procedures. Each member State sends an equal number of representatives and substitutes.

2. Member States shall distribute their delegates between chambers in accordance with their internal structures and interests. Provisions concerning representation thresholds within each chamber shall be set out in the Congress's Rules and Procedures. Each member State, when notifying the Secretary General of the Council of Europe of the composition of its delegation, shall indicate those representatives and substitutes who will be members of the Chamber of Local Authorities and those who will be members of the Chamber of Regions.

3. Representatives and substitutes to the Congress shall be appointed by an official procedure specific to each member State. This procedure shall provide for consultation in each member State of the relevant associations and/or institutional bodies representing local and regional authorities and shall specify the principles to be adhered to in apportioning delegates to the two chambers. Each government shall inform the Secretary General of the Congress of this procedure. Such a procedure shall be approved by the Congress in conformity with the principles contained in this Charter and in its Rules and Procedures.

Article 7

1. Whenever representatives and substitutes have been appointed, the Bureau shall check their credentials. Representatives and substitutes whose credentials have been approved by the Bureau may act as Congress members with immediate effect. Their credentials shall be ratified by

the Congress at its next session or by the Statutory Forum between sessions.

2. No person whose credentials have not been ratified, or who is member of a national delegation which does not comply with Article 5.3 of the Charter, may vote or receive allowances or reimbursement of expenses as they shall not be considered a member of the Congress with effect from the Congress' vote at the opening of the session.

Organisation of the Congress

Article 8

1. The Congress shall meet in session twice a year. Sessions shall be held at the Council of Europe's headquarters, unless otherwise decided, by common consent, by the Congress or its Bureau and the Committee of Ministers.

2. Sessions of the Congress and its chambers and of the Statutory Forum shall be public.

3. For the purposes of verification of credentials, a plenary sitting must be held prior to a chamber session.

4. The political groups of the Congress shall meet principally on the occasion of sessions and Statutory Forum meetings.

5. The Statutory Forum shall act on behalf of the Congress between sessions. In particular, it shall adopt reports, and organise debates and hearings.

6. The Statutory Forum shall be composed of the members of the Bureau and the heads of all national delegations. Chairs of committees and presidents of political groups shall participate, *ex officio*, in the Statutory Forum without voting rights. The Statutory Forum shall be convened upon decision of the Bureau.

Article 9

The Bureau is the executive organ of the Congress, responsible for the preparation of the session of the Congress, the co-ordination of the work of the two chambers, in particular the distribution of topics between the two chambers, the co-ordination of the work of the committees and of the *ad hoc* working groups. The mandate of the Bureau and its role shall be detailed in the Rules and Procedures.

Article 10

1. The Bureau of the Congress is composed of the bureaux of the chambers and the President of the Congress and shall be responsible, in the period between the sessions of the Congress and the meetings of the Statutory Forum, for ensuring the continuity of the Congress's work. Chairs of the committees and presidents of the political groups participate *ex officio* in the Bureau without voting rights.

2. The Congress shall elect its President from among the delegates who are representatives in their delegations, on an alternating basis from each chamber. The President shall remain in office for two and a half years.

3. Each chamber of the Congress shall elect, from among its members who are representatives in their delegations, a president who shall remain in office for two and a half years.

4. Each chamber shall elect its bureau for a period of two and a half years from among its members who are representatives in their delegations. A chamber bureau shall be composed of the president of the chamber and seven vice-presidents, respecting as far as possible a fair geographical distribution among member States. No member State shall have more than one member in the Bureau. The bureaux of the chambers may only meet on the occasion of a meeting of the Bureau of the Congress.

5. The procedures for election to the bureaux, ensuring implementation of the provisions of the current article, shall be set out in the Rules and Procedures.

Article 11

Sessions and meetings of the Statutory Forum and of the Bureau of the Congress shall be presided over by the President of the Congress.

Work of the Congress

Article 12

1. All texts, including those approved by the chambers, shall be formally adopted by the Congress in plenary sitting or by the Statutory Forum. Recommendations and opinions shall be adopted by a majority of two thirds of the votes cast. Resolutions and other texts shall be adopted by simple majority.

2. Recommendations and opinions of the Congress shall be sent as appropriate to the Committee of Ministers, the Parliamentary Assembly or the relevant member State, as well as to European and international organisations and institutions.

3. Resolutions addressed to the local and regional authorities as a whole, and other adopted texts which do not entail action by the Committee of Ministers and/or the Parliamentary Assembly, shall be transmitted to them for their information.

Article 13

Representatives of the Committee of Ministers and the Parliamentary Assembly may participate in the sessions of the Congress and its chambers and in the Statutory Forum as provided for in the Congress's Rules and Procedures.

Article 14

The Congress adopts its own Rules and Procedures which shall provide for:

a. the modalities for assessing compliance with the criteria of Articles 5.2 and 5.3 of the Charter;

b. other provisions complementary to the Charter including the forms and conditions of participation in the Congress's work and in that of its chambers and other bodies, the organisation of elections, voting and ethical conduct.

Article 15

1. The Congress shall elect its Secretary General for a renewable term of five years, although he/she may not exceed the age limit applicable to all Council of Europe staff.
2. The procedure for the election of the Secretary General of the Congress is included in its Rules and Procedures.
3. The Secretary General of the Congress is responsible for the management of the human and financial resources of the Congress and its organs and acts under the authority of the Secretary General of the Council of Europe.
4. The Secretary General of the Council of Europe shall appoint a Director of the Congress, following consultation with the Bureau of the Congress.
5. The Secretariat of each chamber shall be provided by the executive secretary of the chamber who is appointed by the Secretary General of the Council of Europe after an informal exchange of views with the president of the chamber concerned, during which he or she shall communicate his or her intentions and the reasons for his or her choice.

Article 16

1. The Congress shall inform the Secretary General of the Council of Europe and the Committee of Ministers of its budgetary needs. Its requests shall be examined in the general context of the draft budget presented by the Secretary General of the Council of Europe.
2. The Committee of Ministers shall adopt the budget of the Congress, as part of the Ordinary Budget of the Council of Europe.

3. This budget shall be designed to cover the expenditure occasioned by the sessions of the Congress and of its two chambers, the meetings of other Congress organs and by all other expenditure linked to its activities.

4. The rates for Congress members' per diem allowances are fixed by the Committee of Ministers. As regards sessions, only the participation costs of representatives or duly mandated substitutes shall be defrayed.

5. The Secretary General of the Congress shall abide by the financial regulations of the Council of Europe and see to it that the necessary funds are earmarked for the functioning of the statutory bodies of the Congress. He or she shall regularly inform the Bureau of the budgetary situation.

6. The Secretary General of the Congress shall implement the Congress's work programme on the basis of the political priorities defined by the Bureau and adopted by the Congress. In this context, he/she shall be responsible for managing the budget of the Congress on the basis of the financial authority and responsibility delegated to him/her by the Secretary General of the Council of Europe.

7. The Congress confirms the Bureau's mission of organising a wide consultation of delegations and national associations with a view to the adoption of its priorities.

1. Debated and adopted by the Congress on 7 November 2018, 2nd sitting (see Document [CG35\(2018\)25](#), explanatory memorandum), co-rapporteurs: Xavier CADORET, France (L, SOC), and Marc COOLS, Belgium (L, ILDG).