



Strasbourg, 10 November 2021

CDDG(2022)18
Item 7 of the agenda

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE
(CDDG)**

**DRAFT TERMS OF REFERENCE FOR TWO NEW CDDG WORKING
GROUPS TO START WORK IN 2023**

For consideration by the CDDG at its 16th plenary meeting
(28-29 November 2022)

Action required:

CDDG members are invited to:

- **examine and approve the terms of reference for two working groups to be created in 2023, in accordance with the CDDG's terms of reference 2022-2025**
- **express an interest of their respective delegation to join one (or both) working group(s) and to communicate the name of the experts concerned by 3 January 2023**

Secretariat Memorandum
prepared by the
Directorate General of Democracy and Human Dignity
Democratic Governance Division

1. INTRODUCTION

At its 24th meeting of 13-14 October (see meeting report [[CDDG-Bu\(2022\)14](#)]), the Bureau recommended the creation of two new working groups with their terms of reference to be approved at the November plenary and their composition to be determined in January 2023, and bearing also in mind the work from 2022 to be completed:

- a Working Group on Governance would start work in January or February 2023 and would devote the first part of its meeting to finalising any work left from the GT-BG (concerning specific task 1 – draft recommendation on principles of good democratic governance), before moving to the elaboration of a draft Recommendation on Multilevel Governance (specific task 5), to be followed by a report on multilevel governance and response to emergencies (specific task 6); it would hold two meetings in 2023;
- another working group would start work on Green Public Administration (specific task 3) and hold two meetings in 2023.

It was also suggested that the Working Group on Deliberative Democracy (GT-DD) would meet online once in early 2023 to finalise the draft recommendation on deliberative democracy.

The above-mentioned tasks, contained in the [CDDG's terms of reference 2022-2025](#), are as follows:

Task 1: draft a recommendation on principles of good democratic governance of general application to all levels of government, building on the 12 Principles of Good Democratic Governance at local level (deadline 31/12/2023)

Task 2: draft a study on new forms of deliberative and participatory democracy, with a view to complementing [Recommendation CM/Rec\(2018\)4 on the participation of citizens in local public life](#) and the [2017 Guidelines on civil participation in decision-making](#) and taking into account its own [work on e-democracy](#); and prepare a Draft recommendation on deliberative democracy, as a complement to the Terms of Reference subsequently endorsed by the Committee of Ministers (deadline 31/12/2023)

Task 3: draft a Report on green public administration aimed at collecting and disseminating good practice and case studies and identifying guidance for administrations at local, regional and national level, taking into account the proceedings of the 2020-2021 edition of the World Forum for Democracy and its previous work on digitalisation of the public administration (deadline 31/12/2023)

Task 5: draft a recommendation on multilevel governance (deadline 31/12/2025)

Task 6: draft a report on multilevel governance and response to emergencies, building on its work on Democratic governance and the response to the Covid-19 pandemic (deadline 31/12/2025)

2. PROPOSED LINES OF ACTION

2.1 Subordinate bodies

In order to deal with the preparatory work proposed above, the CDDG may wish to set up two subordinate bodies as follows:

- a **Working Group on Governance (GT-G)** for the completion of specific tasks 5 and 6 (and the remainder of specific task 1 in the beginning of 2023)
- a **Working Group on Green Public Administration (GT-A)** for the completion of specific task 3.

Additional guidance may prove to be helpful to facilitate the launching of work on the tasks expected. See the short guidance included underneath the working groups' respective task in the appended draft terms of reference.

2.2 Composition of subordinate bodies and defrayal of expenses

Members of the working groups should be representatives of member States of the highest possible rank in the relevant field, designated by the governments of member States, and/or of independent experts with established expertise in the relevant field, in line with Resolution CM/Res(2021)3 *on intergovernmental committees and subordinate bodies, their terms of reference and working methods*¹.

In order to ensure that the necessary experience and expertise is made available and matches the specific subjects addressed by the working groups, the CDDG proposes additional criteria and guidance on the expected background for the designation of working group members (see in the appended draft terms of reference, the types of expertise listed underneath the working groups' respective composition).

All member States can nominate representatives and/or independent experts and participate in any of the working groups at their own expense. Institutions and bodies with the status of CDDG participant and observer are also invited to nominate representatives in the working groups.

Member States are invited to signal their interest in participating in one or more working groups by **3 January 2023**. They should also indicate whether they will cover the travel and subsistence expenses of their representative(s)/expert(s). In case a member State is interested in more than one working group, it should indicate which one is the priority.

Should it decide to establish such subordinate bodies, and taking into account the work plan for 2023 (in particular, it is planned to hold a dedicated review meeting on e-voting and a conference on green public administration), the CDDG may wish to limit defrayal of expenses as follows:

- 8 members of the GT-G for tasks 5, 6 and the remainder of task 1
- 7 members of the GT-A for task 3

¹ See <https://www.coe.int/en/web/cm/intergovernmental-structures>

If the number of representative(s)/expert(s) for which defrayal of expenses is requested exceeds the number decided by the CDDG, the Secretariat, following consultation of the CDDG Bureau, will submit to the CDDG a draft decision with member States' representative(s)/expert(s) for which defrayal of expenses will be covered by the Council of Europe, on the basis of the information that has been provided in writing by member States and with due regard to geographical representation, gender balance and periodic rotation of member States, as set out in paragraph 6 of chapter III. A of the above-mentioned Resolution CM/Res(2011)24.

The number of meetings suggested is as follows:

- GT-G: two in 2023 and tentatively two in 2024
- GT-A: two in 2023

At its 18th meeting in the end of 2023, in the light of progress in the implementation of the relevant tasks and the available budgetary resources, the CDDG may confirm the number of working group meetings necessary in 2024.

According to the CDDG's terms of reference, tasks 5 and 6 are expected to be completed by the end of 2025. As the CDDG would pick up those tasks in 2023, it is proposed that they be completed by the end of 2024.

This would leave time for the implementation in 2025 of task 4 (handbook on the use of digital technologies and artificial intelligence by the public administration) and task 7 (Report on delivering social services at local level, building on the information collected during the CDDG's work on Democratic governance and the Covid-19 pandemic).

2.3 Background documents and working methods

In general, working groups should build on existing standards and achievements of the Council of Europe and on the existing practice and standards in member States. They should take into account relevant activities by other organisations with a view to identifying the added value of the Council of Europe's work. The appended draft terms of reference contain a preliminary and tentative list of resources to be kept in mind by the respective working groups.

The working groups may rely on the contribution of expert consultants.

Adaptations possibly stemming from the recent High Level report on the future of the Council of Europe and the Fourth Summit of Heads of States and Governments in May 2023, in particular as regards the greater involvement of youth organisations in the Council of Europe's work, would be considered in due course.

Finally, in accordance with the above-mentioned Resolution CM/Res(2021)3, subordinate bodies should be encouraged to rely on information technologies and written consultation in their work, for instance to hold additional meetings or informal consultations between two meetings.

Working Group on Governance (GT-G)

Task

Carry out work for the CDDG with a view to:

- Finalise the text of the draft explanatory memorandum to the draft Recommendation of the Committee of Ministers on Principles of Good Democratic Governance (specific task 1 of the terms of reference 2022-2025)
- the preparation of a preliminary draft recommendation of the Committee of Ministers on multilevel governance (specific task 5 of the terms of reference 2022-2025)
- the preparation of a preliminary draft report on multilevel governance and response to emergencies, building on the CDDG's earlier work on democratic governance and the response to the Covid-19 pandemic (specific task 6 of the terms of reference 2022-2025)

Timeline: January 2023 – December 2024

- draft explanatory memorandum to the draft recommendation on principles of good democratic governance (task 1) to be finalised, as necessary, at a first meeting to be held in January or February 2023, so as to be available for adoption at the 17th CDDG meeting in April;
- draft recommendation on multilevel governance (task 5) and draft report on multilevel governance and response to emergencies (task 6) to be finalised for adoption by the CDDG at its 20th meeting in the second half of 2024.

The working group may hold up to four meetings: two in 2023 and two in 2024. Written consultations and additional on-line meetings are encouraged, as necessary.

If in the course of its early work on tasks 5 and 6, the working group considers that the two tasks would benefit from being combined, for instance to avoid redundancies, it shall make a proposal to the CDDG to combine the two tasks.

Composition

All member States can nominate representatives and/or independent experts and participate in the working group at their own expense. Institutions and bodies with the status of CDDG participant or observer are also invited to nominate representatives in the working groups.

The Council of Europe will bear the costs for the participation of experts from the following [8 member States: to be completed once delegations have expressed an interest]

Experts nominated should have adequate specialisation in the following areas:

- governance, multi-level governance; the functioning of central State institutions and of local and regional administrations including their cooperation in general and/or in specific concrete policy areas;
- cooperation between public institutions and different types of actors
- the design and implementation of reforms in the field of decentralisation, vertical and horizontal coordination, financial equalisation;
- the public management of public emergencies and crises such as climatic events, natural / technological / other disasters, pandemics and other health crises, general civil protection and emergency plans

Background documents and resources

The working group is expected to take into account the experience of a variety of state models and institutional traditions (centralised, decentralised, federal) and to consider policy guidelines which are relevant for all.

It should take into account pertinent standards, reports and documents produced under the aegis of the Council of Europe and other organisations, including:

- general instruments, such as the [European Charter of Local Self-Government and its Additional Protocol on the right to participate in the affairs of a local authority](#), and texts on specific policy-areas, for instance: Recommendation CM/Rec (96)12 of the Committee of ministers to Member States on the distribution of powers and responsibilities between central authorities and local and regional authorities with regard to the environment; Recommendation CM/Rec(2014)1 of the Committee of Ministers to member States on the Council of Europe Charter on shared social responsibilities
- relevant work of the CDDG, in particular the 2020 special report on "Democratic governance and Covid-19" and the information collected from member States in this context (see the [dedicated webpage](#))
- relevant work of the Parliamentary Assembly and the Congress of Local and Regional Authorities, including lessons stemming from monitoring work
- work from the OECD on [multi-level governance and decentralisation](#)

Working methods

The working group may use on-line meetings and written consultations as necessary. It is encouraged to hold consultations with other bodies within and outside the Council of Europe, including non-governmental organisations. It may rely on contributions from expert consultants. See also [Resolution CM/Res\(2021\)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods](#).

Working group on Green Public Administration (GT-P)

Task: Carry out preliminary work for the CDDG with a view to elaborating a *draft report on green public administration aimed at collecting and disseminating good practice and case studies and identifying guidance for administrations at local, regional and national level, taking into account the proceedings of the 2020-2021 edition of the World Forum for Democracy and its previous work on digitalisation of the public administration* (specific task (iii) of the terms of reference 2022-2025 of the CDDG)

In addressing this task, the working group is invited to consider how public sector entities at national and sub-national levels directly address climate change, energy and sustainability challenges in their own activities and projects, as well as what instruments and policy incentives are available to public administration in this field / to support a transition towards a low carbon economy. Areas to cover may include policy incentives for the reduction of emissions; waste and energy consumption both internally and externally; benchmarks, targets and guidelines; green budgeting and green procurement; awareness raising and capacity building of civil servants, to name just a few.

Timeline: January 2023 till the end of 2023. Two meetings are envisioned in 2023, as well as a special one-day conference in Strasbourg **(tbc)**. The draft report should be available for approval by the CDDG at its 18th meeting, November-December 2023.

The working group is expected to take into account the conclusions from the conference on "greening public administration" to be held in April 2023 in Strasbourg, under the Icelandic presidency **(tbc)**.

Composition:

All member States can nominate representatives and/or independent experts and participate in the working group at their own expense. Institutions and bodies with the status of CDDG participant or observer are also invited to nominate representatives.

The Council of Europe will bear the costs for the participation of experts from **[the following 7 member States:]**.

Experts nominated should have adequate specialisation in the following areas: governmental action and research (at national or regional/local level) in relation to the promotion of "green" working methods; academic work on green public administration; greening in relation to specific areas: human resource management, working methods, supplies and public procurement, infrastructure management; civil society action aimed at promoting green public administration.

Reference material:

The working group should take into account pertinent reports and documents produced under the aegis of the Council of Europe and other organisations or bodies, including:

- proceedings from the [2020-2021 edition of the World Forum for Democracy](#)
- CDDG: [study on the impact of the digital transformation, including artificial intelligence and automated decision-making, on democracy and good governance \(September 2021\)](#)
- Developments in relation to the activity of the European Court of Human Rights (see [here](#) and this [factsheet produced by DG1](#))
- Centre of Expertise: [green initiatives at local level – best practice from Ukraine](#)
- [Council of Europe Toolkit on Teleworking in Public Administration](#)
- [Proceedings from the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning \(CEMAT\)](#)
- European Public Sector Award (EPSA): work on [Green Public Administration](#)
- OECD: [work on green public procurement](#)
- [EU Green Deal](#)
- WEF: [Green Public Procurement: Catalysing the Net-Zero Economy](#)

Working methods

The working group may use on-line meetings and written consultations as necessary. It is encouraged to hold consultations with other bodies within and outside the Council of Europe including non-governmental organisations. It may rely on contributions from expert consultants. See also [Resolution CM/Res\(2021\)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods](#).