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DECISIONS BY THE COMMITTEE OF MINISTERS OF RELEVANCE TO THE WORK OF THE CDDG

For information and/or action

Secretariat Memorandum
prepared by the
Directorate General of Democracy
Democratic Governance Department

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Introduction

This document presents the decisions by the Committee of Ministers which are of relevance to the work of the CDDG taken since its meeting on 11-12 May 2017. All decisions and texts referred to may also be found on the website of the Committee of Ministers and of the Congress of Local and Regional Authorities respectively.

For action

At their 1299th meeting on 8 November 2017, the Ministers Deputies:

Concerning Congress [Recommendation 405 \(2017\)](#) – “Making public procurement transparent at local and regional levels”

- “a. took note of Recommendation 405 (2017);
- b. agreed to transmit it to the Group of States against Corruption (GRECO) and to the European Committee on Democracy and Governance (CDDG) for information and possible comments before 20 December 2017;
- c. invited their Rapporteur Group on Democracy (GR-DEM) to prepare a draft reply for adoption at one of their forthcoming meetings;”

Concerning [Recommendation 406 \(2017\)](#) – “A better future for Europe’s rural areas”

- “a. took note of Recommendation 406 (2017);
- b. agreed to transmit it to the European Committee on Democracy and Governance (CDDG) for information and possible comments before 20 December 2017;
- c. invited their Rapporteur Group on Democracy (GR-DEM) to prepare a draft reply for adoption at one of their forthcoming meetings;”

Draft elements for comments to the Committee of Ministers are set out in Appendix I for consideration by the CDDG. Congress Recommendations 405 (2017) and 406 (2017) are presented in Appendix II.

For information

At their 1295th meeting on 27 September 2017, the Ministers’ Deputies:

- “1. Adopted the Guidelines for civil participation in political decision-making, as they appear in document [CM\(2017\)83](#);
- 2. agreed to transmit the Guidelines to the Parliamentary Assembly, the Commissioner for Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Conference of INGOs, and the European Commission for Democracy through Law (Venice Commission) and to invite them to disseminate and use the Guidelines as broadly as possible in their activities.”

At their 1295th meeting on 27 September 2017, the Ministers' Deputies regarding [Congress Recommendation 398 \(2017\)](#) – “Open data for better public services”:

- “adopted the reply to the above-mentioned recommendation, as it appears in document [CM/Cong\(2017\)Rec398-final](#). ” (See Appendix III).

At their 1292nd meeting on 6 September 2017, the Ministers' Deputies:

- “1. took note of the abridged report of the 7th meeting of the CDDG, as it appears in document [CM\(2017\)82](#);
- 2. took note of the 2016 annual activity report of the Centre of Expertise for Local Government Reform, as it appears in document [CM\(2017\)84](#);
- 3. agreed to forward the annual report of the Centre of Expertise to the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe so that they could take note of the results of the Centre of Expertise.”

At their 1291st meeting on 5 July 2017, the Ministers' Deputies regarding Parliamentary Assembly [Recommendation 2105 \(2017\)](#) on “Promoting integrity in governance to tackle political corruption”:

- “a. agreed to communicate it to [...] the European Committee on Democracy and Governance (CDDG), [...], for information and possible comments by 15 September 2017;”.

Following approval by the CDDG by silent procedure of the draft response, the Secretariat finalised the response and transmitted it to the Committee of Ministers. The Secretariat will inform the CDDG in due course of any follow-up given to it.

Action required

The CDDG is invited to take note of the information presented and, as regards:

- *Congress Recommendation 405 (2017) and Congress Recommendation 406 (2017)*, to formulate possible comments on the basis of the elements set out in Appendix I A and I B respectively taking into account the observations by the members, and to instruct the Secretariat accordingly;
- *The Guidelines for civil participation in political decision-making*, to encourage member states to give practical effect to the guidelines and to keep the CDDG informed on their possible use and implementation (see also item 5 of the agenda, document CDDG(2017)22). The CDDG will be kept informed on follow-up given to the guidelines by Council of Europe bodies.

APPENDIX I

A. Elements for possible comments by the CDDG on Recommendation 405 (2017) – “Making public procurement transparent at local and regional levels” of the Congress of Local and Regional Authorities of the Council of Europe.

In paragraph 10 of its Recommendation, the Congress specifically invites the Committee of Ministers to encourage the governments and parliaments of member States and, where applicable, regions with legislative powers, to:

- a.* establish national standards regarding public procurement, in order to make the process more transparent and easier to understand;
- b.* introduce e-procurement systems to minimise the amount of human discretion in the process, using standardised norms and procedures for communication and online tools;
- c.* ensure maximum transparency at all stages of the procurement cycle by publishing comprehensive and machine-readable data from the beginning of the procurement process;
- d.* ensure a common level of training and/or professional qualification for staff responsible for procurement processes;
- e.* establish a common set of indicators at national level to facilitate analysis of the risk of favouritism in procurement processes;
- f.* establish an independent body to investigate complaints;
- g.* regulate and track employment movements from public to private sectors to lower the risk of conflicts of interest through the “revolving door” process;
- h.* set up an anonymous whistleblower hotline in order to facilitate the reporting of malpractice and to ensure the protection of those who report such information.”

In order to respond to the Committee Ministers’ invitation, the CDDG could take the following into consideration:

1 The CDDG expresses its appreciation for the opportunity to comment on Congress Recommendation 405 (2017) – “Making public procurement transparent at local and regional levels”.

2 With a view to allowing the Committee of Ministers to respond to the recommendations by the Congress, the CDDG wishes to draw the Committee of Ministers’ attention to the following:

3 The Recommendation rightfully underlines the role of public procurement in public service provision and addresses issues that touch upon several crucial principles for the functioning of public bodies and democratic institutions at all levels: efficiency and effectiveness, transparency, accountability, ethical conduct, and competence and capacity. These are an integral part of the 12 Principles of Good Governance.

4 The CDDG

- Fully appreciates the need for member states to take measures as recommended and to pay particular attention to establishing national standards regarding public procurement (a), ensuring maximum transparency at all stages of the procurement cycle (c), ensuring a common level of training and/or professional qualification for staff (d), establish a common set of indicators at national level (e).
- Under its Terms of Reference 2018-2019, the CDDG is entrusted with (specific task (iii) a) developing guidelines at all levels of government, b) updating the 2004 Handbook of good practice on public ethics at local level and c) to conduct a feasibility study on the preparation of a Council of Europe Indicator framework to identify trends with regard to public ethics.
- With a view to assisting member States in implementing initiatives as set out in the Recommendation, the CDDG, will give due regard to Congress Recommendation 405 (2017) and any reply by the Committee of Ministers thereto, and taking into account also the Twelve Principles of Good Governance.

5 The Committee of Ministers, may wish to invite member states and, where applicable, regions with legislative powers, with a view to reducing the risk of corruption in public procurement and to create an environment conducive to transparency, to :

- adopt and implement the 12 Principles of Good Governance at all levels;
- take inspiration from the Handbook for Public Ethics at Local Level, the Model Code of Conduct for public Officials of the Centre of Expertise for Local Government Reform, the Twenty Guiding Principles for the Fight against Corruption, and in as far as member states are not already EU members, also from pertinent EU regulations;
- make the widest possible use of the assistance and instruments offered by the CDDG and the Centre of Expertise including such toolkits as on Public Ethics and Local Finance Benchmarking;
- apply the European Code of Conduct on the political integrity of local and regional representatives ([Resolution 401\(2016\)](#) (or as revised); and
- encourage authorities at local and regional level, to do the same.

6 In relation to e-procurement and new technologies, the Committee of Ministers may wish to recall, as outlined in its reply to Congress Recommendation 398 (2017) - "Open Data for better public services", that "It underlines in this respect, the importance for all information and open data and public sector information to be presented in clear and easily understandable language and in an accessible, both "machine readable" and "human readable" format and that this is accessible to all". It may also wish to encourage member States:

- to facilitate civil participation and accountability through the provision of comprehensive, relevant and up to date information available in an easily accessible, transparent, and non-discriminatory manner to all stakeholders by implementing Open Data principles. Open data and information, both online and offline and without restrictions on the analysis and re-use of such information, can strengthen democratic security.

7 If the Committee of Ministers so wishes, the CDDG could consider addressing appropriate guidelines in relation to national procurement standards and a common set of indicators as suggested, in its work with regard to public ethics under the terms of reference 2018-2019.

B. Elements for possible comments by the CDDG on Recommendation 406 (2017) – “A better future for Europe’s rural areas” of the Congress of Local and Regional Authorities of the Council of Europe.

In paragraph 6 of its Recommendation, the Congress specifically recommends that the Committee of Ministers call upon the governments of its member States to:

- a. recognise the diversity of regions and the special qualities and assets of rural areas and communities;
- b. devise new policies to support rural development, adapted to the specific features of rural areas, and grounded in a territorial and multi-sectoral investment approach by:
 - i. building on rural-urban interdependencies, in particular by being more aware of the linkages and inter-relationships between rural and urban areas and how to maximise them for mutual benefit;
 - ii. working strategically and holistically across policy portfolios on a territorial basis, focusing on places rather than supporting sectors;
 - iii. developing an integrated approach to rural development policies, involving all levels of government and various local stakeholders operating across all sectors, and encouraging initiatives and innovations from local private actors, associations or companies, in particular by providing them with a greater access to skills and know-how;
 - iv. placing emphasis on supporting the exploitation and valorisation of local assets of rural areas, rather than highlighting their needs and deficiencies;
 - v. promoting rural prosperity and the rural potential to deliver innovative, inclusive and sustainable solutions for current and future societal challenges, such as economic prosperity, food security, climate change, resource management, social inclusion, and integration of migrants;
 - vi. boosting knowledge and innovation, ensuring that rural businesses have access to appropriate technology, state-of-the-art connectivity and new management tools to deliver economic, social and environmental benefits;
- c. promote greater equity and maximise well-being in rural areas by:
 - i. guaranteeing continuity and equity of access to quality services through appropriate legislation;
 - ii. paying particular attention to overcoming the digital divide and developing the potential offered by the connectivity and digitisation of rural areas;
 - iii. decentralising regional administrative services from regional capitals in order to provide qualified workplaces in rural zones and remote areas;
- d. encourage and develop the collection of quantitative and qualitative data to gather accurate and up-to-date evidence about all aspects of rural areas and actors, with a view to ensuring more effective rural policies across Council of Europe member States;
- e. guarantee, within the limit of financial and budgetary constraints, continuity in the provision of those local and regional public services which are considered to be essential for the population.

In order to respond to the Committee Ministers' invitation, the CDDG could take the following into consideration:

1 The CDDG welcomes the opportunity to comment on Congress Recommendation 406 (2017) – "A better future for Europe's rural areas".

2 To allow the Committee of Ministers to respond to the recommendation by the Congress, the CDDG wishes to draw the Committee of Ministers' attention to the following:

3 The recommendation sets out important considerations for territorial and administrative reforms and e-governance at all levels and thus presents transversal synergies with the work of the CDDG. The CDDG has highlighted the importance of delivering better public services, stronger democratic arrangements and improved outcomes for communities and, in its activities, intends to take into account and support the recommendations in the best possible way.

4 The Committee of Ministers may wish to draw member States' attention to:

- Resolution No.1 "Functional areas – Capitalisation of local potential in territorial development policies over the European Continent", adopted by the Council of Europe Conference of Ministers responsible for Spatial Planning in 2017¹. This recognises that "... the interdependencies between urban and rural development processes, the economic specialisation trends and the integration of labour and economic markets into functional areas beyond administrative borders require appropriate management tools."

- the Nafplion Declaration (Resolution N.1) "Promoting Territorial Democracy in Spatial Planning" adopted by of the Council of Europe Conference of Ministers responsible for Spatial Planning in 2014².

5 The combined approach of effective public participation, taking into account the Guidelines on civil participation in political decision making, and the measures and priorities to develop and capitalise on functional areas set out in the above resolutions can greatly assist member States in successfully implementing the recommendations set out in Congress Recommendation 406 (2017) and ensuring a better future for Europe's rural areas.

6 Finally, the CDDG also recalls that in many member States inter-municipal cooperation and amalgamation are chosen as a means of ensuring sustainability in the delivery of quality public services while maintaining a high degree of democratic representativeness.

7 The Committee of Ministers may therefore wish to encourage member States to make the best possible use of the Centre of Expertise for Local Government Reform and the support and toolkits it provides to assist authorities at all levels in designing and implementing appropriate reforms.

¹ CEMAT, 17th session, Bucharest, 3 November 2017

² CEMAT, 16th session Nafplion, 17 June 2014

Making public procurement transparent at local and regional levels

Recommendation 405 (2017)³

1. In its many forms, corruption poses a major threat to governance and democracy in Europe and undermines the confidence of citizens in democratic institutions. Its prevalence affects citizens, governments and business alike, increasing unpredictability and impeding new investments. With this in mind, at its 31st session, the Congress of Local and Regional Authorities adopted a Roadmap of activities for preventing corruption and promoting public ethics at local and regional levels. This Roadmap includes the preparation of thematic reports, including on transparency in public procurement.
2. Public procurement lies at the heart of public service provision for local and regional governments. At the same time it can be particularly vulnerable to corruption, as it involves the transfer of public resources to the private sector or to non-profit organisations.
3. An essential part of good governance is therefore to ensure clean and efficient procurement, which, as an important area of public expenditure, carries significant risks of corruption.
4. Maximum transparency in all stages of the procurement cycle is the key principle for reducing the risks of corruption in procurement and maintaining public trust in local and regional administrations.
5. Public procurement tends to be vulnerable to corruption, particularly as it involves the transfer of public resources to the private sector or to non-profit organisations.
6. Corruption in the procurement process can take many forms, such as the allocation of government contracts to friends or political cronies at the expense of a transparent and competitive process, or the revolving door phenomenon, where civil servants benefit from their insider information or shape policy contracts while they are in office in order to benefit from it later when they work for a private contractor, or create other opportunities for themselves or friends.
7. Risks are present at all stages of the procurement process: in the needs assessment phase, an individual might inflate the needs, hence impacting the whole competition process, or make excessive provision costs for errors. In the design phase the risks are related to the drafting of the requirements or the unclear selection details; in the award phase, a corrupt official could insist on weaknesses of a particular supplier and on the supposed advantages of the others; in the implementation phase, the risks concerning the monitoring of the contractor could lead to deficient quality or increasing costs, signifying a waste of public funding.
8. Many local authorities are also at risk on account of the lack of contracting expertise among their staff, which makes the assessment of public procurement difficult. The staff involved in procurement processes sometimes lacks the competence to carry out complex contracting procedures and to monitor their application.
9. An effective tool in fighting corruption in public procurement is the information supplied by those with inside knowledge of the processes. These whistleblowers need to be protected. They face a real risk of reprisals and intimidating pressures which can be particularly daunting at local level.
10. In the light of these considerations, the Congress invites the Committee of Ministers to encourage the governments and parliaments of member States and, where applicable, regions with legislative powers, to:
 - a. establish national standards regarding public procurement, in order to make the process more transparent and easier to understand;
 - b. introduce e-procurement systems to minimise the amount of human discretion in the process, using standardised norms and procedures for communication and online tools;

³ Debated and adopted by the Congress on 19 October 2017, 2nd sitting, (see Document [CG33\(2017\)13final](#), rapporteur: Amelie TARSCHYS INGRE, Sweden (L, ILDG)).

- c. ensure maximum transparency at all stages of the procurement cycle by publishing comprehensive and machine-readable data from the beginning of the procurement process;
- d. ensure a common level of training and/or professional qualification for staff responsible for procurement processes;
- e. establish a common set of indicators at national level to facilitate analysis of the risk of favouritism in procurement processes;
- f. establish an independent body to investigate complaints;
- g. regulate and track employment movements from public to private sectors to lower the risk of conflicts of interest through the “revolving door” process;
- h. set up an anonymous whistleblower hotline in order to facilitate the reporting of malpractice and to ensure the protection of those who report such information.

A better future for Europe's rural areas

Recommendation 406 (2017)¹

1. A striking feature of Europe's rural areas is their social, economic and environmental diversity. While some rural areas are performing well in socio-economic terms, out-performing their neighbouring urban areas with prosperous populations working in well paid jobs, others are experiencing depopulation, demographic ageing, high levels of poverty, land abandonment, a heavy reliance on small-scale agricultural production, a limited level of basic service provision and infrastructure challenges.

2. Disparities between rural areas have become more marked since the 2008 financial crisis. While rural areas close to cities have demonstrated increasing dynamism and resilience, remote rural areas have been unable to return to their former levels of employment and productivity. Other long-term trends such as globalisation, technological change, and climate change are contributing to making the differences within and between rural areas even more pronounced.

3. Many rural areas are witnessing a shift to a "new rural economy", with reduced dependence on land-based activities and the emergence of a more diversified economy, including a range of manufacturing and service sector activities, facilitated by advances in information and communication technologies and more flexible working practices.

4. Against this backdrop, new approaches to rural policy are required, to support the exploitation and valorisation of local assets, the local identification of needs and opportunities, and to improve the competitiveness of rural areas through identifying new economic functions beyond agricultural production.

5. In the light of the above, the Congress:

a. Bearing in mind:

- i. Congress Resolution 128 and Recommendation 107 (2002) on "The problems of Europe's countryside";
- ii. Congress Resolution 252 (2008) and Recommendation 235 (2008) on "Services of general interest in rural areas, a key factor in territorial cohesion policies";
- iii. Recommendation CM/Rec(2007)4 of the Committee of Ministers to member States on local and regional public services;
- iv. The 2016 Cork 2.0 Declaration, "A better life in rural areas";

b. Aware of the social, economic and environmental diversity that characterises Europe's rural areas and localities;

c. Aware of the importance of rural areas in the preservation of Europe's natural and cultural heritage;

¹ Debated and adopted by the Congress on 19 October 2017, 2nd sitting, (see Document [CG33\(2017\)16final](#), rapporteur: Philippe LEUBA, Switzerland (R, ILDG)).

d. Convinced that improved interrelations and partnerships among urban centres and rural areas are important preconditions for economic viability, environmental performance, territorial cohesion and social sustainability in the countries of the Council of Europe;

e. Convinced of the value of rural resources capable of delivering sustainable solutions to current and future societal challenges such as assuring a safe provision of quality food, developing the circular economy and combating climate change;

f. Concerned about rural depopulation and youth out-migration and the need to ensure that rural areas and communities remain attractive places to live and work;

g. Determined to secure the sustainability of Europe's rural areas and guarantee a high quality of life and well-being for those living in them;

6. Recommends that the Committee of Ministers call upon the governments of its member States to:

a. recognise the diversity of regions and the special qualities and assets of rural areas and communities;

b. devise new policies to support rural development, adapted to the specific features of rural areas, and grounded in a territorial and multi-sectoral investment approach by:

i. building on rural-urban interdependencies, in particular by being more aware of the linkages and inter-relationships between rural and urban areas and how to maximise them for mutual benefit;

ii. working strategically and holistically across policy portfolios on a territorial basis, focusing on places rather than supporting sectors;

iii. developing an integrated approach to rural development policies, involving all levels of government and various local stakeholders operating across all sectors, and encouraging initiatives and innovations from local private actors, associations or companies, in particular by providing them with a greater access to skills and know-how;

iv. placing emphasis on supporting the exploitation and valorisation of local assets of rural areas, rather than highlighting their needs and deficiencies;

v. promoting rural prosperity and the rural potential to deliver innovative, inclusive and sustainable solutions for current and future societal challenges, such as economic prosperity, food security, climate change, resource management, social inclusion, and integration of migrants;

vi. boosting knowledge and innovation, ensuring that rural businesses have access to appropriate technology, state-of-the-art connectivity and new management tools to deliver economic, social and environmental benefits;

c. promote greater equity and maximise well-being in rural areas by:

i. guaranteeing continuity and equity of access to quality services through appropriate legislation;

ii. paying particular attention to overcoming the digital divide and developing the potential offered by the connectivity and digitisation of rural areas;

iii. decentralising regional administrative services from regional capitals in order to provide qualified workplaces in rural zones and remote areas;

d. encourage and develop the collection of quantitative and qualitative data to gather accurate and up-to-date evidence about all aspects of rural areas and actors, with a view to ensuring more effective rural policies across Council of Europe member States;

e. guarantee, within the limit of financial and budgetary constraints, continuity in the provision of those local and regional public services which are considered to be essential for the population.

APPENDIX III

“Open Data for better public services” - Congress of Local and Regional Authorities of the Council of Europe

Recommendation 398 (2017)

Reply adopted by the Committee of Ministers on 27 September 2017 at the 1295th meeting of the Ministers’ Deputies

1. The Committee of Ministers has carefully examined Recommendation 398 (2017) of the Congress of Local and Regional Authorities of the Council of Europe entitled “Open data for better public services” and has brought it to the attention of its relevant intergovernmental committees.⁴ It welcomes the consideration given by the Congress to the relevant and topical issue of open data.
2. The Committee of Ministers affirms that freedom of expression – and the right to seek and receive information as an inseparable element of this right – are fundamental for the functioning of a genuine democracy.
3. In this respect, and in response to para d.i. of the recommendation, the Committee of Ministers concurs that open data can be an important tool for enhancing transparency and accountability of governments, including at the local level and a valuable source of information for the public. It allows public authorities at national, regional and local level to make more comprehensive and up-to-date information available in an easily accessible, transparent, and non-discriminatory manner. The provision of open data and information, both online and offline, and without restrictions on the analysis and re-use of such information, can thus strengthen democratic security through increased trust in and credibility and legitimacy of democratic institutions at all levels.
4. The Committee of Ministers recalls that building democracy online is one of the strategic objectives of the Council of Europe’s Internet Governance Strategy 2016-2019. This includes enabling online participation in public life, also at the local level. It values the engagement of the Congress in this work.
5. Whilst recognising the potential beneficial effects of open access to public data, the Committee of Ministers recalls that open data policies can also have a bearing on the protection of privacy and personal data. It underlines the importance of a careful balancing of the right to information and the right to privacy, in line with the Council of Europe’s established standards and the case law of the European Court of Human Rights.

⁴ The Steering Committee for Human Rights (CDDH), the European Committee on Democracy and Governance (CDDG) and the Steering Committee on Media and Information Society (CDMSI).

6. The Committee of Ministers recalls the relevance in this area of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (ETS No. 108) and the "Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data" adopted earlier this year by the Consultative Committee of Convention 108. According to point 8 of the Guidelines "... public and private entities should carefully consider their open data policies concerning personal data since open data might be used to extract inferences about individuals and groups. When Data Controllers adopt open data policies, the assessment process ... should take into account the effects of merging and mining different data belonging to different open data sets also in light of the provisions on anonymisation."

7. With regard to the European Court of Human Rights, the Committee of Ministers notes that although in recent years the Court has moved towards a broader interpretation of the notion of "freedom to receive information", strengthening a right of access to information,⁵ this right is not absolute and may be subject to restrictions under the conditions listed in Article 10 paragraph 2 of the European Convention on Human Rights. This is the case, in particular, when a fair balance must be struck between the right to receive information and the right to privacy.⁶

8. Finally, the Committee of Ministers recalls that its Recommendations [CM/Rec\(2016\)5](#) on internet freedom and [CM/Rec\(2014\)6](#) on a Guide to human rights for internet users invite member States to regularly evaluate their performance in respecting, protecting and promoting human rights and fundamental freedoms on the Internet and encourage them to guarantee the transparency of the results of such evaluation. The Committee of Ministers sees potential for the engagement of the local authorities in this process and is convinced that it would be most beneficial for building democracy online.

9. With regard to paragraph d.ii of the recommendation, the Committee of Ministers will bear in mind during the preparation of the next Programme and Budget, the proposal to prepare possible guidelines, on all or some aspects of open data, having particular regard to the relevant standards and values of the Council of Europe, including those mentioned above, with a view to assisting member States in implementing initiatives in this area, including those recommended by the Congress.

10. In response to paragraph d.iii. of the recommendation, the Committee of Ministers agrees with the Congress on the need to "address the risk of a digital gap in open data participation." It underlines in this respect, the importance for all information and open data and public sector information to be presented in clear and easily understandable language and in an accessible, both "machine readable" and "human readable" format and that this is accessible to all, including the most vulnerable or those with special needs.

11. Finally, the Committee of Ministers calls on the governments of member States to carefully consider the further recommendations of the Congress set out in paragraph e. of its recommendation and in this context, in particular, consider to sign and ratify the Council of Europe Convention on Access to Official Documents (CETS No. 205) and the Additional Protocol to the European Charter of Local Self-Government on the rights to participate in the affairs of a local authority (CETS No. 207).

⁵ Társaság a Szabadságjogokért v. Hungary, no. 37374/05, § 35, 14 April 2009; Österreichische Vereinigung zur Erhaltung, Stärkung und Schaffung v. Austria (no. 39534/07, § 41, 28 November 2013).

⁶ For example, cf. Grupo Interpres SA v. Spain (dec.), no. 32849/96, 7 April 1997.