

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 16 October 2018

GT-CACL(2018)6

**CDDG WORKING GROUP ON THE REVISION OF  
RECOMMENDATION No. R(98)12 OF THE COMMITTEE OF  
MINISTERS TO MEMBER STATES ON  
SUPERVISION OF LOCAL AUTHORITIES' ACTION  
(GT-CACL)**

**Report on the second meeting of the Working Group  
17-18 September 2018, Council of Europe, Strasbourg**

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

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## Introduction

The European Committee on Democracy and Governance (CDDG), under its terms of reference 2018-2019, shall "*Revise Committee of Ministers' Recommendation [Rec\(98\)12 on the supervision of local authorities' action](#)*." - specific task (i).

At its first meeting on 19-20 February 2018, the working group concluded that several areas of the Recommendation needed thorough revision and instructed the Secretariat, in cooperation with the expert, to prepare a draft revised text to be submitted for comments by the members of the working group and the CDDG Bureau.

Members of the working group had submitted comments, observations and/or modifications to the draft (document GT-CACL(2018)4 prov) in writing while the CDDG Bureau had requested to specifically identify principles applicable to supervision of local authorities' activities and to consider the different types of supervision to be covered in the revised Recommendation.

The working group adopted the agenda as set out in Appendix I. The list of participants appears in Appendix II.

The expert, Prof. em. Robert Hertzog, introduced the second draft of the revised recommendation and the elements for consideration by the working group. Questions discussed by the working group included the scope and aim of supervision of local authorities' action and the principles that should apply to different forms of supervision.

- Administrative supervision of local authorities' activities
- Financial supervision
- Democratic supervision

Particular attention was paid to:

- Legality of local authorities activities as well as of the processes and procedures of supervision;
- Proportionality of any intervention, suggestion or decision in relation to the interests it is intended to protect;
- Inclusion of a number of the 12 Principles of Good Democratic Governance that have particular significance in the context of supervision of local authorities' activities.

## Action required

The working group instructed the Secretariat, in cooperation with the expert, to prepare the draft text of the revised recommendation and to circulate it to the working group and Bureau members for comments in time for the meeting of the Bureau of the CDDG.

Members of the working group and the Bureau are invited to examine the revised text and present their final comments and observation on the draft text. The draft text will be presented to the CDDG at its plenary meeting on 28-30 November 2018.

## APPENDIX I

### AGENDA

1. **Opening of the meeting**
2. **Adoption of the agenda** [GT-CACL(2018)OJ2]
3. **Report on the first meeting of the working group and observations by the CDDG Bureau** [GT-CACL(2018)3]
4. **Revision of Recommendation No. R (98) 12 on the supervision of local authorities' action**
  - Draft revised text by Prof. em. Robert Hertzog, University of Strasbourg, France [GT-CACL(2018)4 prov.]  
[GT-CACL(2018)5]
  - Comments and observations by members of the working group

*Finalisation of the draft revised recommendation to be submitted to the CDDG*
5. **Other business**

## APPENDIX II

### LIST OF PARTICIPANTS

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Apologised for absence / Excusé

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