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REGULATIONS GOVERNING ELoGE IMPLEMENTATION

For information and action

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

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Introduction

At their 1234th meeting (10 September 2015) the Ministers' Deputies approved the proposals for the simplification of the Procedures for awarding the European Label of Governance Excellence (ELoGE) and the composition and functioning of the Stakeholders' Platform.¹

It is also recalled that the Procedures for the promotion of the Strategy for Innovation and Good Governance provide for the following mechanisms for accreditation of national (regional) platforms or bodies and the awarding of the Label:

- a) States that wish to create or prolong national (regional) platforms as it is the case today for promoting the Strategy and granting the Label, will be able to do so;
- b) In States where such a Platform has not been established, an existing, recognised structure that works in support of local authorities can be accredited for promoting the Twelve Principles and awarding the Label;
- c) In member States where no national or regional platform exists, municipalities may apply directly to the Council of Europe (Centre of Expertise for Local Government Reform) for the Label. The Centre of Expertise will deliver these Labels to municipalities who have achieved satisfactory results.

At its first meeting (6 May 2016), the Council of Europe Stakeholders' Platform, the steering body of the Strategy for Innovation and Good Governance composed of the members of the CDDG Bureau and representatives of the Conference of INGOs, took note of the new structures for the promotion of the Strategy for Innovation and Good Governance following the decision by the Committee of Ministers' at their 1234th meeting and the Rules of procedure of the European Stakeholders' Platform (See Appendix I and II respectively) as adopted by the CDDG (at its meeting on 8 December 2015).

At its second meeting on 6 September 2017, the European Stakeholders' Platform approved 3 requests for accreditation to award ELoGE and took several decisions concerning the Regulations and Rules of procedure:

"The European Stakeholders' Platform suggested that the CDDG could usefully examine in greater detail:

- Possibilities for clarifying and improving certain points in the Regulations and Rules of procedure;
- Conditions for accreditation for granting ELoGE by intermunicipal structures and transregional and/or transnational associations or organisations such as Euro-Regions.

¹ 1234th meeting of the Ministers Deputies, item 2.3: "The Deputies

1. approved the proposal of the CDDG for the "simplification of the procedures for awarding the European Label of Governance Excellence", as it appears in document CM(2015)99, and agreed to modify, in line with that document, the composition and functioning of the stakeholders' platform they had established on 26 March 2008 in the context of the Strategy for Innovation and Good Governance at Local Level;

2. instructed the CDDG to report back to them on an annual basis on the work and achievements of the stakeholders' platform;"

The Secretariat was instructed to collect considerations and prepare proposals for possible modifications to the Rules of Procedure for initial discussion by the Enlarged Bureau."

In light of the above, the European Stakeholders' Platform, as regards the request for accreditation submitted by the European Association of Chief Executives (UDITE), decided that

"In the light of the applicable regulations, [it] could not grant accreditation to UDITE for awarding ELoGE.

As UDITE was well-placed to assist the Centre of Expertise in implementing ELoGE and identifying municipalities that would merit the Label of Governance' Excellence, the European Platform encouraged UDITE to proceed with the programme as a pilot-project and that the Centre of Expertise would award ELoGE to individual municipalities as appropriate and in conformity with the rules.

The European Stakeholders' Platform would hold an in-depth discussion on the issue of applications by transnational associations and organisations at its next meeting, taking into account also the experience with this project."

At the request of the Bureau (at its meeting on 20 October 2017), the revised meeting report of the European Stakeholders' Platform (DG-SP(2017)7 rev.) is presented to the CDDG with a view to formulate its view concerning the need to review the applicable Regulations and Rules of procedure.

Action required

The CDDG is invited to take note of the report of the European Stakeholders' Platform meeting held on 6 September 2017 in Strasbourg (DG-SP(2017)7rev) and to examine the proposal for possible review of the Regulations and Rules of procedure for awarding the European Label of Governance Excellence.

If applicable, it is further invited to instruct the European Stakeholders' Platform to proceed with such a review and to submit possible suggestions for consideration by the CDDG and transmission to the Committee of Ministers as required.

APPENDIX I

Regulations for the promotion of the Strategy for Innovation and Good Governance at Local Level and the granting of the European Label of Governance Excellence (ELoGE)

Introduction

The Strategy for Innovation and Good Governance at Local level was adopted by the Committee of Ministers of the Council of Europe on 26 March 2008, at the 1022nd meeting of the Ministers' Deputies. The full text appears in appendix² to this document.

The Strategy aims at promoting action and policies that establish or improve good governance, in particular at local level, but these can also be implemented at other (central, regional) levels of government. Member States are encouraged to adopt and pursue its objectives through appropriate measures.

The European Committee on Democracy and Governance (CDDG) is the intergovernmental body of the Council of Europe where member states can exchange information and best practice about the initiatives they may take with a view to promoting the implementation of the principles around which the Strategy is built.

The European Platform is the body established by the CDDG that delivers the accreditation to the national platforms or bodies authorised to grant the European Label of Governance Excellence (ELoGE). In some cases, municipalities that meet the requirements of the Twelve Principles may also be granted the Label directly.

The Rules that follow govern the accreditation of the bodies that are responsible at national (or regional) level for the awarding of the Label and the granting of the Label directly to municipalities.

The rules that follow have been adopted by the European Platform at its meeting on 18 May 2016.

² In order not to burden this document, the Strategy is not appended. It will be included in the Regulations when published on the website.

I. Joining the Strategy

1 Member States³ that wish to join the Strategy are invited to inform the Council of Europe and make their decision public.

2 Joining the Strategy carries an undertaking by the state, and by the local authorities through the agency of their representative associations, to try to achieve the objectives of the Strategy and carry out such actions as may be necessary to that effect.

3 The European Platform cooperates with the European Committee on Democracy and Governance with a view to facilitating the implementation of the Twelve Principles by the member States.

II. Awarding of the European Label of Governance Excellence (ELoGE)

4 The European Label of Governance Excellence (ELoGE) can be delivered to European municipalities which achieve a certain standard of governance quality by national (or regional) bodies accredited by the Council of Europe's European platform. This standard of governance shall be ascertained against the "benchmark" adopted by the accredited national structure and shall be consistent with the one adopted by the European Platform⁴.

5 In a Council of Europe member State (or region), the European platform can accredit:

- i. an ad-hoc national (or regional) stakeholders' platform (NSP) comprising representatives of central or regional government, local government, civil society and social and economic actors in a balanced form, the composition of which shall be communicated to the European Platform;

or

- ii. an existing body or institution which is reputable and has substantial know-how, expertise and/or experience in the field of local governance.

³ In federal or regional states, where the competences and responsibilities about local government lie with the federated states or with the regions, the references to member States in these Rules must be understood as referring to the federated states or regions.

⁴ The Council of Europe benchmark is publicly available at and can be downloaded from the following address : www.coe.int/local

6 Upon specific request by one of the bodies mentioned under Article 5 above, the European Platform shall accredit it if it is satisfied that:

- The member State has no objection against the accreditation;
- Local authorities are (or will be) adequately informed about and free to take part in the contest leading to the granting of ELoGE;
- The national (regional) benchmark for assessing the performance of local authorities with regard to the Twelve Principles is the same as the European benchmark. Any changes the applicant body may deem necessary or desirable, at the level of the national (regional) benchmark shall be approved by the European platform;
- The scoring of municipalities with regard to the benchmark are verified by an independent body or person and supplemented by other information about the public's views of the performance of the municipality;
- The rules, procedure and decisions in relation to the granting of ELoGE are taken according to a transparent procedure and are subject to review.

7 The duly accredited national (regional) structure shall be capable of and responsible for managing the procedure for granting the Label, and for any actions and consequences as a result thereof.

8 The decision to accredit the national (regional) platform shall be communicated to the applicant and given appropriate publicity.

9 The European Platform may suspend a national (regional) platform's ability to award the Label at any time, in the event of suspicion of a breach of the applicable regulations or other possible irregularities, pending further investigations. If at the conclusion of the investigation the European Platform finds serious breaches of the regulations, it shall withdraw the national (regional) platform's accreditation and may take such other action as may be necessary to safeguard the reputation of the Label.

10 In member States where neither a national platform nor an independent body or institution has been accredited individual municipalities may submit an application for the European Label of Governance Excellence to the Council of Europe directly, subject to compliance with the domestic legislation applicable.

11 After informing the European Platform and in the absence of any objection from it, the Centre of Expertise for Local Government Reform may grant the ELoGE if it is satisfied that the municipality:

- has participated in a capacity-building programme or in an ad-hoc piloting of ELoGE organised by the Centre of Expertise, or
- has participated in activities of sharing experience with other municipalities in at least one other member State in the last five years,

and

- has demonstrated a good or very good level of compliance with the criteria of the benchmark of the Twelve principles as well as with the results of the two questionnaires, where appropriate as adapted with the help of the Centre of Expertise, or
- has used the benchmark as a tool for improving the quality of its governance and taken action to redress any inadequacy or shortcoming identified.

12 The municipality may obtain ELoGE according to the above procedure only once. A refusal to grant ELoGE according to this procedure is without appeal.

III. Miscellaneous provisions

13 Accredited National (Regional) Stakeholders' Platforms and national (regional) institutions or bodies shall bear the costs related to their own functioning and of the management of the procedures for granting ELoGE.

14 The European platform may request any appropriate information from the NSPs, institutions and municipalities prior to deciding on accreditation and granting of ELoGE.

15 Accreditations shall be given for a limited duration at the expiry of which they can be renewed upon request if the applicant meets the relevant conditions. A decision not to grant accreditation is without prejudice to the right to submit further applications.

16 National platforms, institutions or bodies and municipalities shall keep the European platform informed about their action in regard of ELoGE and respond to requests from the European platform in a spirit of cooperation.

17 All correspondence with the Council of Europe shall be in one of the Organisation's official languages.

18 ELoGE is a crystal dodecahedron the facets of which bear the twelve principles engraved. It is offered by the Council of Europe to municipalities granted ELoGE directly by the latter.

19 These provisions can be modified and supplemented at any time by the European platform in the light of the experience.

APPENDIX II

Rules of Procedure of the Enlarged Bureau

The Enlarged Bureau of the European Committee on Democracy and Governance acts as the Stakeholders' Platform of the Council of Europe of the Strategy for Innovation and Good Governance at Local Level as per the Committee of Ministers' decision at the 1234th meeting of the Ministers' Deputies on 10 September 2015.

Membership

The Enlarged Bureau comprises the members elected by the CDDG to sit in its Bureau (chair, vice-chair and five members) and two members appointed by the Council of Europe Conference of International Non-Governmental Organisations (CINGO). The Congress may appoint two representatives with consultative status.

The duration of terms of office of the members shall be as follows:

- for CDDG Bureau members, the same as the membership of the CDDG Bureau
- for members of the INGOs (and, if applicable, the Congress) two years from the date of appointment.

The Chair of the Council of Europe Conference of Non-Governmental Organisations and the Chair of the Congress (as appropriate) shall communicate to the Secretary General (Democratic Governance Directorate) the names of the two members appointed by them and the beginning of their terms of office.

Meetings

The Secretariat (Democratic Governance Directorate) shall be responsible for the organisation of the meetings (convocations, agendas, working documents).

Meetings shall normally be held in conjunction with ordinary meetings of the CDDG Bureau.

The Chair, if need be after having consulted the Vice-Chair or Vice-Chairs, may invite other Council of Europe bodies to be represented at or attend the meetings of the Enlarged Bureau or parts thereof and take part in the discussions, without the right to vote.

When examining applications for the accreditation of national or regional stakeholders' platforms or of national (regional) institutions, the Enlarged Bureau may invite the applicants to present their case and answer questions.

The Secretariat may invite experts to attend meetings or parts thereof and contribute to the discussion of specific items on the agenda.

Quorum

The decisions taken by the Enlarged Bureau shall not be valid unless at least six members (two-thirds) of its members are present, at least one of which shall not be a member of the CDDG Bureau.

Decisions may also be taken in writing between meetings, including by electronic/digital means and shall be subject to the quorum set out hereinabove.

Chair

The Chair and Vice-Chair of the CDDG Bureau shall also be Chair and Vice-Chair of the Enlarged Bureau. The Enlarged Bureau may elect a Second Vice-Chair from among the non CDDG Bureau members.

Voting

Each member of the Enlarged Bureau shall have one vote. Decisions shall be taken by a two-thirds majority of the votes cast.

Procedural matter shall be settled by a majority of the votes cast. Where the question arises as to whether or not a matter is procedural in nature, it may not be regarded as such unless the Enlarged Bureau decides to that effect by a majority of two-thirds of the votes cast.

For the purposes of these Rules, "votes cast" shall mean the votes of members cast in favour or against. Members abstaining shall be regarded as not having cast a vote.

Publicity

Meetings of the Enlarged Bureau shall be announced on the Council of Europe Democracy website. Documents shall be public unless otherwise requested by their author or the Chair.

Meeting reports shall be published on the website after adoption by the Enlarged Bureau.

Other provisions

These regulations can be amended at any time by the European Committee on Democracy and Governance (CDDG).

For all cases not explicitly regulated by these regulations, the Rules of procedure of Council of Europe Intergovernmental Committees appended to CM Resolution (2011)24 shall apply *mutatis mutandis*.