

Ministers' Deputies

CM Documents

CM(2000)151 (Restricted) 20 October 2000

731 Meeting, 29 November 2000
12 Congress

12.2 Steering Committees and Ad hoc Committees - Message on consultation of the CLRAE

MESSAGE ON CONSULTATION OF THE CLRAE TO STEERING COMMITTEES AND AD HOC COMMITTEES

(adopted by the Committee of Ministers on ... at ... meeting of the Ministers' Deputies)

Introduction

The Committee of Ministers considers the development of local self-government as one of the values to protect and promote within the Council of Europe. It is one of the guiding principles of the Organisation's intergovernmental work.

At their 702nd meeting (15 March 2000), the Ministers' Deputies, in accordance with Article 2.2 of Statutory Resolution (2000)1, invited its Steering Committees to consult the Congress on any draft text likely to affect the responsibilities and essential interests of the local and/or regional authorities before submitting it to the Committee of Ministers and, if necessary, to follow the same procedure as that currently implemented by the Steering Committee on Local and Regional Democracy.

At the same 702nd meeting of the Deputies, the Steering Committees were urged to invite the CLRAE to be represented at their meetings whenever CLRAE texts are examined.

Procedure for consultation

The following procedure, currently applied by the CDLR, was introduced at the Deputies' 558th meeting (February 1996):

“The Deputies [...] authorised the consultation of the Congress of Local and Regional Authorities of Europe (CLRAE) on legal instruments prepared by the Steering Committee on Local and Regional Authorities (CDLR) in accordance with the following procedure – which is an alternative to the one adopted at their 525th meeting:

- (i) the CDLR is authorised to ask for the CLRAE's opinion on draft legal instruments during their preparation, the modalities of this consultation are defined by the CDLR in agreement with the CLRAE;
- (ii) the draft legal instrument adopted by the CDLR is transmitted to the Committee of Ministers together with the CLRAE's opinion on the preliminary draft.”

An agreement on “Co-operation between the CLRAE and the CDLR and consultation of the CLRAE on legal instruments drafted by the CDLR”, submitted to and taken note of by the Committee of Ministers, is appended to this Message.

Invitation to Steering Committees

The Steering Committees and Ad hoc Committees of experts concerned are asked to collaborate in the application of the new system. They might wish to draw inspiration from the appended agreement.

APPENDIX
to CDLR(95)41 adopted at its 16th meeting
(6-8 December 1995)

**CO-OPERATION BETWEEN THE CLRAE AND THE CDLR
AND CONSULTATION OF THE CLRAE
ON LEGAL INSTRUMENTS DRAFTED BY THE CDLR**

**I. MEASURES WITH THE AIM OF IMPROVING INFORMATION AND
CO-OPERATION BETWEEN THE CLRAE AND THE CDLR**

a) The CLRAE and the CDLR will undertake the necessary efforts in order to define their working programmes, taking into account the orientations retained by each other.

The Secretariats of the CLRAE and the CDLR are instructed to transmit, from the moment of their preparation, the draft working programmes of their respective bodies.

b) The calendars for the implementation of the activities will be established, as far as possible, with a view to facilitating the participation of each body in the activities of the other. For this purpose, each Secretariat will establish provisional six-monthly calendars, which it will submit to the other in order to allow, if possible, a better synchronisation.

c) The meeting agendas, including those of the CLRAE's working groups and of the CDLR's subordinate committees, as well as the corresponding documents, will be sent by the Secretariat responsible for the meeting to the Secretariat of the other body at the same time as they are sent to the participants of the meeting.

**II. MODES OF CONSULTATION OF THE CLRAE ON THE LEGAL
INSTRUMENTS PREPARED BY THE CDLR**

a) Concerning the legal instruments prepared by the CDLR, the Secretariat will transmit the draft text to the CLRAE for opinion, to be addressed to the CDLR as soon as a sufficiently precise text is available.

b) The CDLR Secretariat will ensure that the draft texts are transmitted to the CLRAE at least three months before the next meeting of the latter or its Standing Committee, and four months before this meeting in the case of conventions.

c) The draft legal instrument will be examined by the CLRAE, or its Standing Committee where appropriate, at the statutory meeting following the transmission of the document within the deadlines mentioned in b) and an opinion will be given on this occasion. This opinion will be transmitted immediately to the CDLR.

d) The CDLR will consider the CLRAE's opinion before adopting the final text, which will be addressed to the Committee of Ministers together with the CLRAE's opinion.