

37th SESSION

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28 October 2019

AMENDMENTS

Revision of the Congress Rules and Procedures

Bureau of the Congress

Rapporteurs:¹ Liisa ANSALA, Finland (L, ILDG)
Harald SONDEREGGER, Austria (R, EPP/CCE)
Tamar TALIAHVILI, Georgia (R, SOC)

Draft resolution (for vote) AMDT 1-3 2

Summary

The proposed changes to the Rules and Procedures are made for the purposes of simplification, procedural clarification or to show the Congress' changing practice while reflecting the spirit of the changes to the Charter.

These include, inter alia, proposals to give a uniformity of roles and titles across Congress structures, ensure the widest possible representativity and diversity, increase flexibility for delegates and delegations and improve and update the rules concerning the Congress' special status and partnerships and honorary memberships.

The changes linked to the revision of the Charter are not included. These will be incorporated into the Rules and Procedures following adoption, by the Committee of Ministers, of the revised Congress Charter.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

DRAFT RESOLUTION²

1. The rapporteurs on the Rules and Procedures propose several modifications aimed at improving the clarity and transparency of the Congress Rules and Procedures.
2. The Congress adopts the proposed changes to the Rules and Procedures, as appended, which will be incorporated into the Rules and Procedures of the Congress and enter into effect immediately after adoption.

2 Preliminary draft resolution approved by the Bureau of the Congress on 11 September 2019.

Bureau members: *A. Knape*, President of the Congress; G.M. Helgesen, President of the Chamber of Regions; *X. Cadoret*, President of the Chamber of Local Authorities; *B. Toce*, *H. Sonderegger*, *L. Ansala*, *J. Warmisham*, *T. Taliashvili*, *M. Angelopoulos*, *C. Lammerskitten*, *A. Magyar*, C. Moreno Moreno, *A. Drozdenko*, *G. Doganoglu*.

N.B.: The names of members who took part in the vote are in italics.

Bureau Secretariat: D. Rios Turón, L. Taesch.

APPENDIX

Draft revisions of the Congress *Rules and Procedures*

DEFINITIONS

“representative” means a delegate nominated as a representative (as opposed to “substitute”) by a member State in its national delegation. A representative is a full member of the plenary ~~and~~ of a chamber and of a committee;

CHAPTER II – MEMBERSHIP OF THE CONGRESS AND ITS CHAMBERS

Rule 1 – Appointment of national delegations [...]

2. The Bureau of the Congress must examine each official procedure (or modification) submitted to the Secretary General of the Council of Europe and must report to the Congress, in the resolution on verification of credentials and official procedures, as to whether it meets the requirements set out in Articles [...] of the Charter as well as in these Rules. [...]

Rule 3 – Term of office and general qualifications for membership

(new) 4. The partial renewal of a delegation must reflect the latest election results at the relevant local or regional level in accordance with Rule 3.7. These results should be communicated to the Congress secretariat at the same time as the list of new members. Members who have not lost their domestic mandate remain members of the Congress.

67. Where a member State wishes to ~~send to the Congress~~ nominate a delegates who ~~does~~ not hold a specific local or regional authority mandate resulting from direct elections but who ~~are~~ is politically responsible to a directly elected assembly and who can be individually dismissed, it must bring this to the attention of the Secretary General of the Congress and must specify the offices and conditions of dismissal of the delegates concerned. In order to be accepted, each mandate must be included in the reference list of mandates ~~3.4~~ This is the list of all local and regional mandates which are considered to be in accordance with the Congress’ rules on delegations and is regularly updated by the Bureau of the Congress. drawn up by the Bureau of the Congress following consultation with the relevant committees. If a mandate is not on the list, the Bureau may consider whether it wishes to include it. [...]

Rule 5 – Representatives and substitutes

6. ~~A substitute acting as rapporteur may speak in plenary in that capacity.~~

3 The list of all local and regional mandates which are considered to be in accordance with the Congress’ rules on delegations. This list is regularly updated by the Bureau.

Rule 8 – Honorary membership

1. Upon request by a member of the Bureau of the Congress, a head of a national delegation or a president of a political group, the Bureau may confer the title of honorary member upon former delegates to the Congress or its predecessor bodies who have shown outstanding commitment to the Congress and have been:

- a. President of the Congress or president of a chamber; or
- b. vice-president of the Congress for at least two full mandates; or
- c. chair of a committee or president of a political group or ~~chair of a committee~~ for at least two full mandates; or
- d. a delegate member for at least ~~ten~~ fifteen years (not necessarily consecutively).

2. Upon proposal of the President of the Congress and the presidents of the two chambers, the Bureau may confer the title of honorary member upon a former delegate who has served for at least one mandate and in that time has made an exceptional contribution to the Congress.

CHAPTER V – PRESIDENCY OF THE CONGRESS AND CHAMBERS

Rule 14 – Entitlement to stand for presidencies and vice-presidencies

1. Candidates for the posts of President of the Congress, ~~or~~ president ~~of either chamber~~ or vice-presidents of either chamber must be representatives to the Congress. Substitutes may not be candidates for these posts.

Rule 15 – Election procedures

65. Where there is more than one candidate, the Congress or chamber votes by secret ballot which may be electronically. In the case of a non-electronic secret ballot, two tellers per ballot box, chosen by lot, are to observe the counting of the votes cast. If no candidate receives more than half of the votes cast, an additional round or rounds shall take place until one candidate has achieved more than half of the votes cast. At each round the candidate who has received the least number of votes shall be eliminated. In the event of a tie between ~~two~~ several candidates in the final round, lots shall be drawn.

98. If more than one representative from the same national delegation is a candidate to be vice-president of the same chamber, only the one with the highest number of votes can be declared elected. In the event of a tie between ~~two~~ several candidates, lots shall be drawn.

Rule 16 – Term of office

(new) 5. An outgoing President of the Congress can participate in the Bureau and Statutory Forum, without voting rights, during the Bureau mandate which immediately follows his or her term of office.

68. Where there is more than one vacant position of vice-president in the same chamber to be filled, election takes place in accordance with Rule 15.65. In the event of a tie between ~~two~~ several candidates in the final round, lots shall be drawn.

CHAPTER VI – BUREAUX OF THE CONGRESS AND CHAMBERS

Rule 18 – Constitution of the bureaux

1. No member of the Bureau of the Congress may at the same time:
 - a. be the president or the 1st vice-president of a political group;
 - b. be a chair or 1st vice-chair of a committee; or
 - c. act as rapporteur or head of a delegation during election observation exercises.
3. The outgoing President of the Congress, the presidents of the political groups and the chairs of the committees ~~are entitled to~~ participate in the meetings of the Bureau of the Congress without voting rights, but do not have the right to vote. Chairs of committees may be replaced at such meetings, ~~but only by a the 1st Vice-Chair~~ of the committee concerned. Presidents of political groups may be replaced by their 1st Vice-President, subject to the limitation set forth in Rule 12.4.

Rule 19 – Bureau procedure

3. The Secretariat of the Congress draws up the agendas which are submitted to the bureaux for adoption. The draft agenda of a bureau meeting and all documents related to items on the agenda must be made available to participants in the bureau at least seven days before the date of the meeting. An item may be considered if this deadline has not been met, provided that more than half of the members of the bureau present agree.
7. Except for the President and the chamber presidents, who may be accompanied by two advisors, Bureau members and Bureau-participants⁴ may be accompanied to bureau meetings ~~of a bureau~~ by no more than one advisor who must not be under the authority of any national government for the purposes of this work. If a Bureau member or participant is unable to participate in a bureau meeting, their advisor may attend the meeting without the right to speak.

(new) Rule 21 – Appointment and duties of Bureau rapporteurs

The Bureau must appoint, from among its members, two co-rapporteurs for each report it wishes to bring before the Congress for examination. Rule 54 applies to these rapporteurs.

CHAPTER VIII – PROCEDURE DURING SESSIONS

Rule 23 – Agreement of agenda

1. The Bureau of the Congress, upon the proposal of a draft drawn up by the Secretariat, must draw up ~~approves~~ a draft sessional agenda for each session, coordinating the chambers' sittings in accordance with Article 9 of the Charter.

(new) 6. Reports under Rules 24.3, 102.2 and 103.1 must be included on the agenda and made available to delegates at least 30 days before the first sitting of the session at which they are to be considered.

Rule 30 – Speaking arrangements

5. The order of deliberations in the debate on a draft text is: presentation by the rapporteur or co-rapporteurs, opening of debate to the floor, reply of rapporteur or co-rapporteurs to the debate, ~~possible reply by the chair of the relevant committee,~~ close of the debate (and vote on amendments, if any, followed by vote on the text, possibly amended).

⁴ ~~Members of the bureaux, presidents~~ Presidents of the political groups, chairs of the committees and outgoing President of the Congress.

6. Speaking time for delegates is limited as follows:
 - a. Single rapporteurs presenting reports: 10 minutes;
 - b. Co-rapporteurs presenting reports: six minutes each;
 - c. Single rapporteurs replying to debates: five minutes;
 - d. Co-rapporteurs replying to debates: three minutes each;

Amendment 1

Presented by Bernd VOEHRINGER, Germany (L, EPP/CCE)

Signed by: Clemens LAMMERSKITTEN, Germany (L, EPP/CCE), Robert-Csongor GRUMAN, Romania (R, EPP/CCE), Günther BERGMANN, Germany (R, EPP/CCE), Leendert VERBEEK, Netherlands (R, SOC).

In Rule 30 – Speaking arrangements, reintroduce sub-paragraph 6.e. **“Chairs of committees replying to debates (at their request): three minutes;”**

~~e. —Chairs of committees replying to debates (at their request): three minutes;~~

- f. Other speakers (except on personal statements; on setting the agenda; on any procedural question or on amendments): three minutes;
- g. Speakers on personal statements; on setting the agenda; on any procedural question or on amendments or sub-amendments: one minute.

Amendment 2

Presented by Bernd VOEHRINGER, Germany (L, EPP/CCE)

Signed by: Clemens LAMMERSKITTEN, Germany (L, EPP/CCE), Robert-Csongor GRUMAN, Romania (R, EPP/CCE), Günther BERGMANN, Germany (R, EPP/CCE), Leendert VERBEEK, Netherlands (R, SOC).

In Rule 30 – Speaking arrangements, in paragraph 7, after the first sentence, add the sentence: **“In case not all speakers may speak, the President should allocate the speaking time according to a fixed procedure that reflects the size of political and national groups and delegations in a fair manner.”**

The paragraph would read as follows:

“7. Depending on the available time, the president may decide that speaking time will be reduced or that not all those who have entered their name on the speakers’ list may speak. In case not all speakers may speak, the president should allocate the speaking time according to a fixed procedure that reflects the size of political and national groups and delegations in a fair manner.”

7. Depending on the available time, the president may decide that speaking time will be reduced or that not all those who have entered their name [oi](#)n the ~~register-speakers’ list~~ may speak. *[English document only]*

Rule 31 – Voting arrangements

2. [...] Votes are decided by electronic voting or, if this is not possible:

- c. by roll-call, if one-sixth of the delegates present and entitled to vote request this, or the president so decides (if necessary having ascertained whether a quorum is present).

Rule 33⁵ – Quorum

1. Business may be transacted whatever the number of delegates present who are entitled to vote, but a vote by standing or by roll call is not valid unless one sixth of those present and entitled to vote take part.

Rule 34⁶ – Amendments and sub-amendments

11. During the course of a debate oral amendments as an alternative to previously tabled amendments may only be proposed by the rapporteur(s). During examination of the oral amendment only the following may speak: one rapporteur, and one speaker against ~~and the chair of the committee or working group concerned.~~

Rule 40 – Provisional President

1. When a President of the Congress is to be elected at a session which is not a renewal session, the outgoing President presides until the results of the election ~~of the new President~~ have been announced.⁷

5. A provisional president must leave the chair as soon as a the results have been announced and the newly-elected president is ~~elected~~ ready to preside.

5 Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

6 Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

⁷ This applies to chambers and committees, unless the outgoing president is candidate for the Presidency of the Congress in which case the vice-president or vice-chair who is next in order of precedence – and who is not a candidate for elections in that chamber or committee – shall preside.

CHAPTER X – COMMITTEES

Rule 43 – Constitution and role of committees

2. The terms of reference, detailing the responsibilities and role of these committees must be approved by the Bureau and adopted by the Congress. The as well as their biennial-work programmes of each committee must be approved-adopted by the Bureau ~~and adopted by the Congress~~.

Rule 44 – Setting up of other committees

2. The terms of reference detailing the responsibilities and role of such committees must be approved by the Bureau and adopted by the Congress. The as well as their biennial-work programmes of these committees must be approved-adopted by the Bureau ~~and adopted by the Congress~~.

Rule 46 – Membership of committees

2. ~~All delegates have the right to be appointed as a full member to one committee and/or as a replacement delegate to another committee. A representative may be assigned a seat on only one committee except in the case of national delegations where the number of representatives is less than the number of committees.~~ The appointments shall be notified to the Congress secretariat co-ordinated by the head or secretary of the national delegations, ~~and notified to the Congress secretariat~~.

3. Where a delegation does not assign delegates-representatives to committees, individual ~~members-representatives~~ of the delegation may ask the President of the Congress for permission to participate as a full-member-representative on an ad hoc basis in a committee of their choice until such a time as their national delegation has distributed its seats.

4. Each national delegation must assign delegates-substitutes to ~~act as replacement delegates~~ replace the representatives for each committee. The number of ~~replacement delegates~~ substitutes so assigned must be the same as the number of delegates-representatives which that delegation appoints to the committee. A delegate-substitute in a delegation may ~~only~~ be assigned as a replacement delegatesubstitute for ~~to only~~ one committee except in the case of national delegations where the number of representatives is less than the number of committees.

5. If a full-member-representative of a committee is not able to attend a meeting of a committee, he or she must notify the secretariat of his or her national delegation ~~in writing~~ who must:

- a. appoint one of the committee's replacement delegatesubstitutes for the whole of the meeting; and
- b. immediately inform the committee secretariat.

6. The replacement delegatesubstitute:

- a. must come from the same national delegation; ~~and~~
- b. exercises the same powers as the full-member-representative he or she replaces for the period of the replacement (except that if he or she replaces the chair or vice-chair of a committee, he or she may not perform any of the functions exercised by the chair or vice-chair by virtue of those offices).

7. All full-membersrepresentatives of a committee may participate in all committee proceedings and have unrestricted voting rights, but only members of a chamber may vote on any matter within the competence of that chamber only. Rule 5.7 shall not apply to proceedings in committees.

Rule 47 – Election of chairs and vice-chairs of committees

1. Every committee must elect from among its ~~full members~~representatives a chair ~~who is a representative~~, as well as a 1st, 2nd, 3rd, 4th and 5th Vice-Chair.

2. ~~These~~ elections must take place during the opening sitting of the renewal session, and at the opening sitting of the session taking place two ~~[and a half]~~ years after a renewal session. Every ~~full member~~representative of the committee, or duly mandated ~~replacement delegates~~substitute, is entitled to vote in these se elections.

23. Nominations for the elections provided for under Rule 47.1-as chair or vice-chair must be sent to the Secretary ~~of~~to the committee not later than 18.00 on the day before the sitting meeting at which the election is to take place.

(new) 4. The committee shall first vote for its chair, by a secret, uninominal ballot (which may be held electronically) and immediately after this election shall vote for its 1st Vice-Chair under the same procedure.

45. Where there is one candidate to be chair or 1st Vice-chair, he or she is declared chair or 1st Vice-chair without proceeding to a ballot unless a ballot is requested by at least 10 ~~full members~~representatives from at least four national delegations or their duly designated ~~replacements~~substitutes in accordance with Rule 46.4. Where a ballot is requested, it shall be held immediately, be secret and provide for votes in favour, votes against and abstentions.

56. Where there is more than one candidate, the decision is made by secret ballot, which may be electronically. In the case of a non-electronic secret ballot, two tellers per ballot box, chosen by lot, are to observe the counting of the votes cast. If no candidate receives more than half of the votes cast, an additional round or rounds shall take place until one candidate has achieved more than half of the votes cast. At each round the candidate who has received the least number of votes shall be eliminated. In the event of a tie between ~~two~~several candidates in the final round, lots shall be drawn.

~~7. Immediately after a committee has elected a chair it must elect by secret ballot (which may be electronically) its five vice-chairs.~~

78. As soon as a committee has elected its first vice-chair, it must elect by secret ballot (which may be electronically) its remaining four five-vice-chairs. An election must take place even if there are fewer than ~~five~~four candidates. A committee member may vote for up to ~~five~~four candidates but must vote for at least three, using a single ballot paper. The four remaining vice-chairs are to be declared elected in order of precedence according to the number of votes each receives, except that no candidate may be declared elected 4th or 5th vice-chair if four persons of the same gender as ~~the~~that candidate have already been elected as chair or vice-chairs of that committee.

~~40~~12. No chair of a committee may at the same time:

- a. be a member of the Bureau of the Congress;
- b. be the president of a political group; or
- c. act as rapporteur in a monitoring exercise or head of delegation ~~in monitoring for~~ an election observation ~~exercises~~.

Rule 49 – Time, frequency and nature of meetings

3. Committee meetings are public, though the committees may decide, on an ad hoc basis, whether a meeting or part of it is to be held *in camera*. Committees may hold hearings which are open to all members, the public and the press.

Rule 52 – Voting and quorum

2. The quorum of a committee is one sixth of ~~its membership~~ (the number of ~~full member~~representatives present).

Rule 53 – Procedure

3. When the chair of a committee is to be elected at a non-renewal session the outgoing chair presides until the ~~election of the results have been announced and the~~ newly elected chair is ready to preside. (See Rule 40.1)
4. Until the chair of a committee is elected during a renewal session, the duties of the chair are discharged by the oldest ~~full member representative~~ present, and no discussion may take place unless it is concerned with the election of the chair.

Rule 54 – Appointment and duties of rapporteurs

1. [...] Co-rapporteurs appointed for thematic reports where it is necessary to reflect both the local and regional dimensions of the issue, ~~should fulfil the following criteria, they~~ should as far as possible, be from:
 - a. different chambers;
 - b. different national delegations.
3. Any ~~member representative~~ of a committee, or ~~replacement delegates substitute~~ duly assigned to that committee, may present his or her candidature for the position of rapporteur on a given subject to the secretariat of the committee for the attention of the chair. The chair of the committee shall verify the conformity of the candidates' profile to ensure that there is a fair distribution of rapporteurships between the two chambers, the political groups and non-affiliated members, genders and national delegations. The chair shall notify the appointments to the committee at its next meeting. but a committee must ensure that there is a fair distribution of rapporteurships between the two chambers, the political groups and non-affiliated members, genders and national delegations.
- (new) 4. Upon express derogation by the chair of the committee, a representative who is not a member of the committee may be appointed rapporteur.
78. A rapporteur is responsible for the preparation and presentation of his or her report for approval by the committee and for adoption by the Congress or a chamber or the Statutory Forum between two sessions.

Rule 55 – Reports from committees

1. The terms of reference of all reports to be prepared by a committee, ~~whether for the plenary or the chambers,~~ with the exception of reports following election observations and electoral assessments missions or for fact-finding missions, shall be agreed upon by the committee prior to presentation to the Bureau of the Congress for its approval. The terms of reference shall specify whether the report is for adoption or for information and whether it will be examined in the plenary or the chambers.
2. Terms of reference shall also include the political objective, the relevance to the priorities of the Council of Europe and the Congress, proposed follow-up after adoption or approval, as well as the timeline and implementation requirements of the report.
23. The final report of a committee must comprise one or more draft texts and an explanatory memorandum, except in the case of reports provided for under Rule 55.9.
78. Committees may present information or interim reports which do not contain a draft text for the attention of the Congress or a chamber.
8. ~~After a report has been approved by a committee, the committee must propose to the Bureau of the Congress that it is submitted to:~~
 - a. ~~the Congress, or a chamber for examination, debate and adoption;~~
 - b. ~~the Congress for tacit adoption in accordance with Rule 24 above; or~~
 - c. ~~the Statutory Forum for examination, debate and adoption.~~

Rule 56 – Common positions

4. It is for the Bureau or for the three presidents as provided for under Rule 19.6, to decide whether the common position is to be included in the draft agenda of the Congress or of a chamber as a draft declaration.

Rule 58 – Applicability of committee rules

Rules 46 to 55 which apply to committees also apply to working groups, ~~subject to the following exceptions however:~~

~~a. a working group member may designate any delegate (whether or not from his or her national delegation) as a replacement; and~~

~~b.~~ a working group does not elect vice-chairs, but, in the absence of its chair, may appoint another member of the working group to chair it for that meeting.

CHAPTER XII – CONGRESS THEMATIC SPOKESPERSONS

Rule 59 – Appointment and role

2. Bureau members may not be thematic spokespersons.

CHAPTER XIII – CODE OF CONDUCT OF CONGRESS MEMBERS⁸

Rule 64 – Type of sanctions or disciplinary action

2. [...]

a. Temporary sanctions

Deprivation of the right to: [...]

- stand as a candidate for President of the Congress or president -a chamber or vice-president of a chamber or for chair or vice-chair of a committee

CHAPTER XV – SPECIAL STATUS

Rule 67 – Special guest delegations

1. The Congress may, on request, grant special guest status to delegations from local and regional authorities in European non-member States ~~which have such status with the Parliamentary Assembly of the Council of Europe.~~

2. Any request for special guest status must be made in writing and sent, no later than three months before a Congress session, to the President who must submit this request to the Bureau of the Congress. ~~It~~ The formal request must:

a. contain an explicit reference to the aspiration of the applicants to uphold, respect and promote at all levels of government the values and principles of the Council of Europe, and a commitment to base the activity of their delegation on the principles of the European Code of Conduct for all Persons Involved in Local and Regional Governance and on the Code of Conduct of Congress members, and

b. stipulate the procedure for consulting associations of local and/or regional associations in the process of appointing members of the delegation.

⁸ This rule complements the conduct to be respected by the members of the Congress during a monitoring mission (Chapter XV) and/or an election observation mission (Chapter XVI).

4. With regard to the composition of a special guest delegation:

- ~~a. it has the same number of seats as the delegation to the Parliamentary Assembly;~~
- ~~a. the number of seats is laid down by the Bureau of the Congress on a case-by-case basis;~~
- b. it consists of representatives and substitutes holding a local or regional mandate in accordance with Article 2 of the Charter, ~~and does not include substitutes;~~
- ~~c. it reflects, as far as possible, an equitable geographical representation as well as the gender provisions set out in Article 2, ensuring that at least one representative of the underrepresented sex is included;~~
- ~~c. it respects, as far as possible, the principles laid down in the Charter and the Congress's Rules and Procedures, in particular with regard to equitable geographic and political representation and gender provisions (at least one representative of the under-represented sex should be included among the representatives and one among the substitutes);~~
- ~~d. it divides its delegates as evenly as possible between the Chamber of Local Authorities and the Chamber of Regions in accordance with Charter articles 2.4 and 3.2; [...]~~

Rule 68 – Partner for Local Democracy status

4. The formal request shall contain an explicit reference to the aspiration of the applicants to uphold, respect and promote at all levels of government the values and principles of the Council of Europe, and a commitment to: [...]

- c. base the activity of their delegation on the principles of the-European Code of Conduct for all Persons Involved in Local and Regional Governance and on the Code of Conduct of Congress members; [...]

9. The forms and conditions of participation in the work of the Congress and of its chambers and committees of delegations with Partner for Local Democracy status are as follows:

- a. members may sit in all sessions of the Congress or its chambers and in meetings of the Statutory Forum, without the right to vote. They-Representatives or, in their absence, substitutes may speak subject to the president's consent. They may not table amendments but may table proposals as well as memoranda, though their names shall not be taken into account when counting the number of signatures required. They may, at their own expense, submit documents relating to the different items on the Congress agenda;
- b. members may participate in all committee meetings without the right to vote. Representatives or, in their absence, substitutes ~~They~~ may speak with the authorisation of the committee chair and may make proposals concerning the draft agenda;

CHAPTER XVI – OTHER TYPES OF PARTNERSHIP⁹

Rule 70 – Granting, renewing, suspending or withdrawing partnership status

2. A partnership status is granted for a renewable period of five years. After the first five-year period the status is automatically renewed unless it has come to the Bureau's attention that this status should be suspended or withdrawn.

Rule 75 – Guest Observers

1. The Bureau of the Congress may, on an *ad hoc* basis, take a decision to grant "guest observer" status, for a renewable period of ~~two-five~~ years, to associations representing local and/or regional authorities from territories without a national delegation to the Congress, or who are non-European, and which do not fulfil the criteria set out in Rules 72-74. After the first five-year period the status is

⁹ Rules 69, 70 and 71 apply to all three partnership status.

[automatically renewed unless it has come to the Bureau's attention that this status should be suspended or withdrawn.](#)

CHAPTER XVII – ORGANISATION OF THE MONITORING PROCEDURES OF THE CONGRESS¹⁰

Rule 78 – General provisions

1. ~~Pursuant to Resolution 307 (2010)REV2, the purpose of t~~The rules under this chapter ~~are to~~ define the arrangements for organising procedures for monitoring the commitments of Council of Europe member States which have signed and ratified the European Charter of Local Self-Government ETS No. 122 with the aim of achieving the objective set forth in the aforementioned resolution.
3. Each year the Monitoring Committee shall submit to the Bureau of the Congress, for adoption, the programme of visits scheduled under the Charter monitoring programme [as part of its draft work programme](#).

Rule 80 – Composition of a monitoring delegation

1. A monitoring delegation shall comprise two rapporteurs, ~~either one from the Chamber of Local Authorities and one from the Chamber of Regions or two from the Chamber of Local Authorities local democracy and one on regional democracy as appropriate,~~ [as well as](#) one consultant, and one or more members of the Congress secretariat. The delegation is generally accompanied by interpreters to facilitate communication between speakers of the language of the country in question and the delegation, whose working language is English or French.
3. The rapporteurs shall be appointed from among the ~~full-representatives or alternate members substitutes~~ of the Monitoring Committee of the Congress who put forward their names as candidates.

Rule 82 – The monitoring visit programme

1. The Congress secretariat shall organise the visit. It shall draw up the programme with the rapporteurs in conjunction with the head and secretary of the national delegation to the Congress [of the country to be monitored](#), the national associations of local and regional authorities where applicable, ~~and~~ the co-ordinating bodies of federate entities. ~~— and lastly, with t~~The country's Permanent Representation to the Council of Europe [shall be regularly kept informed during the drawing up of the programme](#).

CHAPTER XVIII – PRACTICAL ORGANISATION OF ELECTION OBSERVATION MISSIONS¹¹

Rule 87 – General provisions

2. The Congress may ~~also~~ decide not to deploy an observation mission following an invitation, if the latter arrives too late to ensure a meaningful observation process. An official invitation should be received by the Congress at the latest 60 days prior to the Election Day.
3. [The Congress may also decline an invitation in case of continuing uncertainty regarding the organisation of the elections or possible security risks in deployment areas.](#)

¹⁰ Chapter based on Resolution 307(2010)REV2 adopted by the Congress on 30 October 2013.

¹¹ Chapter based on Resolution 306 (2010)REV adopted by the Congress on 30 October 2013.

5. The Congress examines the whole election environment including elements which are key for the functioning of democratic elections such as the political landscape, the legal framework, the role of the media, the financing of the parties and the election campaign or any other elements of possible relevance for the elections.

Rule 88 – Delegations, reports and co-operation with international observer institutions

1. The Congress secretariat will send a call for interest, including the application form,¹² to the e-mail addresses of all Congress members. Secretaries and heads of national delegations will receive a copy. Any Congress members who express their interest in taking part in the mission and send back the form by a given deadline will be considered. Candidatures from members of national associations whose associations agree to cover their costs shall also be taken into consideration. ~~In the same way as it strengthened its co-operation with national associations, the Congress may invite the European Union's Committee of the Regions to join the Congress delegation on its observation missions.~~

4. A delegation shall comprise the Congress members determined under Rule 88.3 and one or more members of the Congress secretariat as well as a consultant in electoral matters, ~~when appropriate~~. The delegation is generally accompanied by interpreters to facilitate communication between speakers of the language of the country in question and the delegation, whose working language is English or French.¹³

15. The report will be drawn up by the rapporteur with the assistance of the Congress secretariat and the consultant in electoral matters, ~~when appropriate~~. It should reflect the opinion of the members of the entire delegation. The report must be comprehensive, noting positive and negative factors, distinguishing between significant and insignificant factors. It should identify patterns that could have an impact on the integrity of the election process and on the authenticity of the vote.

CHAPTER XIX – IMPLEMENTATION OF THE POST-MONITORING/POST-ELECTORAL POLITICAL DIALOGUE¹⁴

Rule 89 – General provisions

~~Pursuant to Resolution 353 (2013)REV, the purpose of t~~The present rules ~~is to~~ define the arrangements for organising the post-monitoring and post-electoral political dialogue with all levels of government of the Council of Europe member States, with the aim of achieving the objective set forth in the aforementioned resolution, namely to pursue a political dialogue with national authorities of member States in order to implement the Congress recommendations addressed to the authorities.

CHAPTER XX – SECRETARIAT AND BUDGET

Rule 95 – Secretary General of the Congress

3. The Secretary General of the Congress is elected in accordance with the following procedure:

h. Elections for the post of Secretary General must be by secret ballot (which may be held electronically) even where there is only one candidate, in which case the ~~The~~ ballot must provide for votes in favour, votes against and abstentions.

¹² See Appendix X

¹³ In meetings of the delegation with strategic Congress partners in the field, notably OSCE/ODIHR (the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe), the working language is English.

¹⁴ Chapter based on Resolution 353 (2013)REV adopted by the Congress on 30 October 2013.

CHAPTER XXI – MISCELLANEOUS

Rule 98 – Official languages

3. Chairing of Congress and chamber sessions, as well as Statutory Forum, committee and bureau meetings, must be done in an official language.

Amendment 3

Presented by Günther BERGMANN, Germany (R, EPP/CCE)

Signed by: Bernd VOEHRINGER, Germany (L, EPP/CCE), Clemens LAMMERSKITTEN, Germany (L, EPP/CCE), Robert-Csongor GRUMAN, Romania (R, EPP/CCE), Gerald OTTO, Germany (R, EPP/CCE).

In Rule 99 – Working languages, replace the paragraph by the following text: **“The working languages of the Congress will be decided upon by the Congress. Simultaneous interpretation must be provided between these languages and the language of the major contributors to the Council of Europe during proceedings.”**

Rule 99 – Working languages

~~The working languages of the Congress will be decided upon by the Congress. Simultaneous interpretation must be provided between these languages during proceedings. The interpretation and translation of the working languages may be financed from the Congress' Ordinary Budget subject to availability of funds. The Congress Secretariat shall inform the Bureau of this availability, so that the Bureau can determine the working languages that will be provided.~~

Rule 102 – Revision of the Congress Charter

1. ~~Without prejudice to the respective rights of the Committee of Ministers and the Parliamentary Assembly, t~~The Congress may submit proposals to amend the Charter to the Committee of Ministers for decision.
2. The Bureau of the Congress ~~or the bureau of either chamber~~ may submit to the Congress proposals to amend the Charter. These proposals must be included in a sessional agenda and made available to delegates 30 days before the session.

APPENDIX III – Guidelines for the funding of political groups from the Congress budget

~~(Adopted by the Bureau on 17 September 2013)~~

Preamble:

The Congress fully recognises the important role played by its political groups in particular for the promotion of democratic dialogue and pluralism.

Political groups contribute to structuring and enriching the work of the Congress through the variety of opinions and views they put forward, in particular when the Congress is debating or adopting texts.

Furthermore, when elections are held in the various Congress bodies, political groups contribute to fair electoral competition among candidates from different political parties.

~~*Since its creation, the Congress has officially recognised the role of the political groups and since 2012 has included in its Rules of Procedure a specific chapter dealing with political groups (Chapter III) including their funding from the Congress budget.*~~

~~*As part of the democratic life of the Congress, the political groups need a basic infrastructure in order to play their role. A financial support to cover their basic needs from the Congress budget is therefore needed and justified.*~~

In this spirit, the Bureau of the Congress, whilst fully respecting the autonomy of the Congress political groups, has adopted the following Guidelines and has endorsed an Administrative Arrangement model which clarify the funding of political groups from the Congress budget and obligations stemming from these texts.

2. Each year, once the overall Congress budget is approved by the Committee of Ministers of the Council of Europe, the Secretary General of the Congress shall allocate an amount for the functioning of all existing political groups. He/she shall inform the Bureau of the Congress of this allocation. In addition, he/she shall ~~foresee~~ make provision for funds ~~for covering~~ to cover the interpretation costs for group meetings during the Congress sessions into the official and working languages.

3. This amount – apart from the interpretation costs for group meetings during the Congress sessions – shall be allocated to the groups existing at the beginning of a given year ~~on the basis of the existing Congress Rules (2012)~~.

8. The political groups shall use the allocation from the Congress exclusively for their functioning and in particular for the following eligible expenses:

- expenditure of secretariat staff (salaries, insurance)
- administrative expenses (office postage, telephone, office supplies)
- group meetings, missions, interpretation costs (other than those covered by the Congress on the occasion of Congress sessions) and translation costs.

10. The political groups shall transmit to the Secretary General of the Congress of the Council of Europe, preferably before the end of the Congress March-Spring session, a request for payment signed by the president of the political group together with:

11. By signing the Administrative Arrangement, each political group commits itself to revise if necessary, its statutes, at the latest by 31 March ~~2014~~, in order to ensure full coherence with the financial regulations of the Council of Europe and to comply with the gGuidelines and in particular with the specific criteria listed above. Payment shall only be made once the statutes in force comply with these gGuidelines.

~~17. These Guidelines shall become applicable for Administrative Arrangements effective after 31 December 2013. Guideline 4 shall also be applicable for the allocations for 2013.~~

EXPLANATORY MEMORANDUM

Introduction

The proposed changes to the Rules and Procedures are made for the purposes of simplification, procedural clarification or to show the Congress' changing practice and reflect the spirit of the changes to the Charter.

The changes linked to the revision of the Charter are not shown here. These will be incorporated into the Rules and Procedures following adoption, by the Committee of Ministers, of the revised Charter.

1. Uniformity of roles and titles across Congress structures (Rules 5, 46)

The spirit of the Congress reform, embodied in the revision of the Charter and the Rules and Procedures, is to simplify structures and unify titles and roles within the chambers, making representatives the key players within the Congress.

Thus, the same terminology will be used to refer to a delegate across all Congress structures: a representative will remain a representative (in name and fact) in the plenary, in the chambers and in a committee.

For a committee, the terminology is therefore changed from full members and alternates to representatives and substitutes and this is reflected in the list of definitions. With regard to practice, a substitute may participate in a committee when duly mandated to replace a representative.

2. Ensuring the widest possible representativity and diversity

Two further goals of the Congress reform are to obtain the widest possible representativity on the Congress Bureau and ensure a fair share of responsibilities.

Rule 18: the modifications in the Rules and Procedures follow this approach by proposing a more prominent role for the 1st Vice-Chairs of committees; in particular the rapporteurs propose that the 1st Vice-Chair be authorised to replace the chair at Bureau meetings (as is already the case for political groups).

In line with this approach, given their greater responsibility, it is suggested, in Rule 18, that the restrictions currently applied to presidents of political groups and chairs of committees should also be applied to their respective 1st Vice-president and 1st Vice-Chair. Furthermore, in the spirit of acknowledging increased responsibility, *Rule 64* provides that the temporary sanctions or disciplinary action that apply to a president of a chamber or chair of a committee with regard to breaches of the Code of conduct should also apply to their vice-presidents or vice-chairs.

Rule 47: a separate, uninominal, election for the 1st Vice-Chair of a committee is proposed, with the elections for 2nd, 3rd 4th and 5th vice-chairs remaining a group election.

Rule 59: in the same spirit of ensuring that offices and responsibilities are shared as widely as possible, the rapporteurs have added the rule that Bureau members should not also be thematic spokespersons.

3. Increasing flexibility for delegates and delegations

An important reform proposed by the Congress in its recommendation on the revision of the Charter in 2018 is intended to allow member States, as of the 2020 renewal session, to appoint their delegates to the chamber which corresponds best with their internal structure.

Rule 46.7: in line with the above approach, the rapporteurs propose that all representatives may vote, within their committee, on all committee reports (plenary, Chamber of Regions and Chamber of Local Authorities) irrespective of the chamber to which they belong and the instance which will later debate and vote on the report.

Rule 54.4 (new): a new sub-paragraph proposed by the rapporteurs will give greater flexibility for the appointment of rapporteurs in the context of committees, this may be due to the particular expertise of the person appointed.

4. Reviewing and improving the Congress special status and partnership rules

Rules 67 and 68: the proposed changes are aimed at ensuring that the rules on special guest and Partner for Local Democracy delegations are in line with the rules on national delegations, in such areas as the division into representatives and substitutes and the obligation to respect the pertinent Codes of Conduct. In addition, the rapporteurs reflect the Bureau decision to disassociate Congress rules from those of the Parliamentary Assembly where possible.

Rules 70 and 75: for the optimal use of human and other resources, the rapporteurs deem it judicious to provide for the automatic renewal of an association's status if no particular concern has been raised in their respect within the first five years of their participation in the Congress' work.

5. Clarifying Congress procedures and tasks

Many modifications proposed by the rapporteurs are intended to describe current Congress procedure more precisely or in greater detail.

Rule 1: this addition explains how the Bureau reports its examination of official procedures – that is, via a resolution at the start of the session.

Rule 3.4 (new): the list of proposed new delegation members is examined by the rapporteurs on the verification of credentials and compared with the latest election results in the relevant country or region. This allows the colour of the national political landscape to be reflected in the delegation naturally as members change over the course of a mandate.

However, elections do not necessarily entail a complete change of delegation; only those members who have lost their domestic mandates are replaced. A Congress mandate is held by a member for the full 4 (or in future 5) years and can only be lost through loss of domestic mandate, resignation, breach of the Congress Code of Conduct or death.

Rule 16: the rapporteurs have added more detailed provisions concerning the participation of outgoing presidents.

Rules 19 and 23: the process of drawing up a draft agenda for the Bureau or for the session is clarified and the deadlines for including reports on the session agenda – which were already given in different rules – have been brought together in one rule for greater ease of reference. The difference between Bureau members and Bureau participants is also more clearly described.

Rule 21 (new): the role of Bureau rapporteurs is described in a specific rule.

Rules 31, 33 and 52: the rapporteurs specify that any quorum should be established by counting the delegates present in the meeting room at the time of the vote.

Rules 40 and 53: these modifications are intended to present more clearly the procedure concerning chairing by the provisional president and the outgoing chair of a committee and who should preside in the case of the persons concerned being candidates for elections.

Rules 43 and 44: these rules clarify the responsibilities with regard to the constitution of committees: it is the Congress which approves the terms of reference, rules and responsibilities of committees. As committee work programmes should remain flexible and react to the changing needs of each committee, they should – as is current practice – be adopted by the Congress' executive organ, the Bureau, once approved by the respective committees.

Rule 49: this modification is intended to reflect the fact that committees may hold all or part of their meetings in camera if they decide to do so on an ad hoc basis.

Rule 54: a more detailed description of the procedure for the appointment of committee rapporteurs is proposed for greater transparency.

Rule 55: the rapporteurs streamline the information on presentation of terms of reference for the sake of brevity and clarity.

Rule 56: refers to an earlier provision given in Rule 19.6, for the sake of clarity and ease of reference.

Rules 80 and 82 reflect current practice, notably ensuring flexibility in the appointment of rapporteurs for monitoring missions as the situation requires.

Rules 87 and 88 clarify certain important aspects of the election observation procedure, giving the Congress clear rules for when it is possible to decline an invitation to observe elections and explaining in greater detail the nature of the process. Furthermore, as the Congress no longer invites the European Union's Committee of Regions to participate in its election observation delegations, it is proposed to reflect this.

Rules 98 and 99 clarify the use and provision of official and working languages.

Rule 102: these proposed changes are a continuation of the Bureau decision to disassociate as far as possible the Congress' rules and procedure from those of the Parliamentary Assembly.

Other suggested modifications

Rule 8: in this rule on honorary membership the rapporteurs propose to raise the level for being acknowledged as an honorary member while adding not only a quantitative criterion, but also a qualitative one, which means that, at the discretion of the three presidents, a member who has made an exceptional contribution to the Congress – even if he or she hasn't held office – could be considered for honorary membership.

Rule 30: since the rapporteurs of a committee are entrusted with reflecting that committee's opinions on a subject through the report itself as well as through their presentation during a session, the intervention of the chair of a committee does not add any new legitimacy to the work and was added to the rules as a copy of the Parliamentary Assembly procedures where a chair reports on the latest decisions taken by committees at their different meetings (especially on amendments) during the session itself. The Congress does not have any such meetings; a report, once discussed and adopted by a committee, does not change. *Rule 34* reflects the change made in *Rule 30*.

Appendix III: the preamble has been simplified and references to specific dates have been deleted.