

COUNCIL OF EUROPE



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Item 5 of the agenda

## **EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE (CDDG)**

### **DRAFT TERMS OF REFERENCE FOR THREE CDDG WORKING GROUPS**

For consideration by the CDDG at its 14<sup>th</sup> plenary meeting  
(29-30 November 2021)

**Action required:**

**CDDG members are invited to examine and approve the terms of reference for three working groups to be created in 2022-2023, in accordance with the CDDG's terms of reference 2022-2025 (see also doc. CDDG(2021)19).**

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

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## 1. INTRODUCTION

At their 1418th meeting (23-25 November 2021), the Ministers' Deputies will consider, with a view to final adoption, the Programme and Budget of the Council of Europe for 2022-2023, including the terms of reference of the European Committee on Democracy and Governance (CDDG) for the quadrennium 2022-2025 (the second half of it being conditionally approved).

*According to these terms of reference, the general task of the CDDG is to "steer the Council of Europe's intergovernmental work in the field of democracy and democratic governance and advise the Committee of Ministers in its field of competence. The overall aim of the CDDG is to contribute to strengthening democratic institutions, and good governance at all levels of government, with particular emphasis on structural institutional reforms at all levels and enhancing citizens' participation in political decision-making with a view also to strengthen their interaction with and trust in public institutions. In carrying out these tasks, the CDDG shall address emerging challenges such as harnessing the benefits of digital transformation on democracy and governance while tackling its risks, promoting the environmental sustainability of public action, and ensuring that the response to the Covid-19 pandemic and its aftermath is in line with fundamental principles of good democratic governance."*

The above draft terms of reference include the following tasks, to be completed by 31 December 2023:

- (i) Draft Recommendation on Principles of good democratic governance of general application to all levels of government, building on the 12 Principles of Good Democratic Governance at local level;
- (ii) Report on new forms of deliberative and participatory democracy, with a view to complementing Recommendation CM/Rec(2018)4 on the participation of citizens in local public life and the 2017 Guidelines on civil participation in political decision and taking into account its own work on e-democracy;
- (iii) Report on green public administration aimed at collecting and disseminating good practice and case studies and identifying guidance for administrations at local, regional and national level, taking into account the proceedings of the 2020-2021 edition of the World Forum for Democracy and its previous work on digitalisation of the public administration.

## **2. PROPOSED LINES OF ACTION**

### **2.1 Subordinate bodies**

With a view to ensuring the efficient and successful completion of the tasks which it has been given, the CDDG may wish to set up subordinate bodies to deal with the preparatory work necessary for the completion of specific tasks (i) GT-BG (for *Groupe de travail sur la bonne gouvernance*), (ii) GT-DD (for *Groupe de travail sur la démocratie délibérative*) and (iii) GT-AV (for *Groupe de travail sur l'administration verte*). The remaining tasks may be handled by further working groups to be created in the course of 2023 or by the CDDG in plenary, at the latest in the context of the four meetings of two days each that it would hold in the second half of the quadrennium 2022-2025.

Additional guidance may prove to be helpful to facilitate the launching of work on the tracks expected by the CDDG. See the short guidance included underneath the working groups' respective task in the appended draft terms of reference.

### **2.2 Composition of subordinate bodies and defrayal of expenses**

Members of the working groups should be representatives of member states of the highest possible rank in the relevant field, designated by the governments of member states, and/or of independent experts with established expertise in the relevant field, in line with Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods (which repeals on 1 January 2022 Resolution CM/Res(2011)24).

In order to ensure that the necessary experience and expertise is made available and matches the specific subjects addressed by the working groups, the CDDG may wish to provide additional criteria and guidance on the expected background for the designation of working group members (see in the appended draft terms of reference, the types of expertise listed underneath the working groups' respective composition).

All member States can nominate representatives and/or independent experts and participate in any of the working groups at their own expense. Institutions and bodies with the status of CDDG participant are also invited to nominate representatives in the working groups.

Member States are invited to signal their interest in participating in one or both of the first two working groups (GT-BG and GT-DD) by 20 December COB; the membership of the third working group (GT-AV) can be determined later in 2022. They should also indicate whether they will cover the travel and subsistence expenses of their representative(s)/expert(s). In case a member State is interested in more than one working group, it should indicate which one is the priority.

Should it decide to establish such subordinate bodies, taking into account the available budgetary resources and the need to allocate them efficiently, the CDDG may wish to limit defrayal of expenses as follows:

- 10 members of the GT-BG for task i.)
- 8 members of the GT-DD for task ii.)
- 9 members of the GT-AV for task iii.)

If the number of representative(s)/expert(s) for which defrayal of expenses is requested exceeds the number decided by the CDDG, the Secretariat, following consultation of the CDDG Bureau, will submit to the CDDG a draft decision with member States' representative(s)/expert(s) for which defrayal of expenses will be covered by the Council of Europe, on the basis of the information that has been provided in writing by member States and with due regard to geographical representation, gender balance and periodic rotation of member States, as set out in Article 6 of Resolution CM/Res(2011)24 of the Committee of Ministers on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The number of meetings suggested is as follows:

- GT-BG for task i.): two in 2022 (and one additional meeting in 2023, if necessary);
- GT-DD for task ii.): two in 2022;
- GT-AV for task iii.): two in 2023, after some preliminary work in 2022.

At its 16<sup>th</sup> meeting in the end of 2022, in the light of progress in the implementation of the relevant tasks and the available budgetary resources, the CDDG may confirm the number of working group meetings necessary in 2023.

### **2.3 Background documents and working methods**

In general, working groups should build on existing standards and achievements of the Council of Europe and on the existing practice and standards in member states. They should take into account relevant activities by other organisations with a view to identifying the added value of the Council of Europe's work. They may rely on the contribution of expert consultants.

See in the appended draft terms of reference, the background documentation to be kept in mind by the respective working groups.

Civil society should be associated in their work, in particular with regard to task ii to be implemented by GT-DD.

Finally, in accordance with Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, subordinate bodies should be encouraged to rely on information technologies and written consultation in their work.

## APPENDIX I

### ***Working Group on Principles of Good Democratic Governance (GT-BG)***

#### **Task**

Carry out preliminary work for the CDDG with a view to elaborate a *recommendation* [of the Committee of Ministers to member States] *on Principles of good democratic governance of general application to all levels of government, building on the 12 Principles of Good Democratic Governance at local level*. (specific task (i) of the terms of reference 2022-2025).

The working group is invited to use the acquis and documents produced so far in relation to the 12 Principles (including ELoGE, the benchmarks, the final country reports), and to complement it with considerations which are specific and particularly relevant for the national level, e.g. separation of powers, independence of the judiciary, national elections, taking into account the work of other Council of Europe bodies and standards already recognised.

**Timeline:** January 2022 to December 2022 (draft available for approval ideally at the 16<sup>th</sup> meeting of the CDDG). The working group may hold a meeting in March 2022 and in September 2022 (with the possibility of an extra meeting in the first half of 2023, if necessary). Written consultations are encouraged, and an additional on-line meeting may be organised in June 2022, as necessary.

#### **Composition**

All member States can nominate representatives and/or independent experts and participate in any of the working groups at their own expense. Institutions and bodies with the status of CDDG participant are also invited to nominate representatives in the working groups.

The Council of Europe will bear the costs for the participation of experts from the following 10 member States: **[to be completed once the list is available]**

Experts nominated should have adequate specialisation in the following areas: the functioning of central State institutions and of local and regional administrations including their cooperation; public administration reforms; Council of Europe standards in the field of democracy, human rights and the rule of law; constitutional jurisprudence; elections.

## Background documents

The working group should take into account pertinent reports and documents produced under the aegis of the Council of Europe and other organisations, including:

- Those related to the 12 Principles of Good Democratic Governance at local level ([ELoGE benchmark](#) and [country reports](#))
- the Secretary General's periodic reports on the state of democracy, human rights, and the rule of law (see [here](#) and [here](#))
- the [Human Rights Commissioner](#),
- the Parliamentary Assembly (especially findings from the monitoring activities, the observance of elections, specific reports and recommendations of particular significance from the viewpoint of Democracy)
- the Congress of Local and Regional Authorities (especially findings from [monitoring activities](#)),
- the Venice Commission, especially documents in the [Democratic Institutions and Studies](#) series
- [Commission for the Efficiency of Justice - CEPEJ](#) ; [Consultative Council of European Judges - CCJE](#); [Consultative Council of European Prosecutors - CCPE](#)
- the Group of States against Corruption: especially its work concerning the 3<sup>rd</sup> evaluation round (political financing), the 4<sup>th</sup> evaluation round (parliaments, the courts and public prosecution services) and the 5<sup>th</sup> evaluation round (central governments, law enforcement), summarised in the [annual reports](#)

## Working methods

The working group may use on-line meetings and written consultations as necessary. It is encouraged to hold consultations with other bodies within and outside the Council of Europe (e.g. EU, OECD, OSCE) including non-governmental organisations. It may rely on contributions from expert consultants. See also Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

## APPENDIX II

### ***Working group on deliberative and participatory democracy (GT-DD)***

#### **Task**

Carry out preliminary work for the CDDG with a view to prepare a *draft report for the CDDG on new forms of deliberative and participatory democracy with a view to complementing Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, and taking into account Guidelines on civil participation in decision-making* (specific task (ii) of the terms of reference 2022-2025)

In addressing the task, the working group is invited to highlight examples and best practice of deliberative and participative democracy from all levels of government which have the potential of involving and mobilising citizens in deliberations, discussions, information, and accountability mechanisms through quality debates and work conducted for instance through citizens' assemblies, initiatives using the potential of information and communication technologies etc. It should also consider highlighting ways for exchanging information and the development of shared learning as well as further innovative approaches in these fields.

**Timeline:** January-December 2022 (draft for approval by the CDDG at its 16<sup>th</sup> meeting, November 2022). Given that the scope of the work is well defined and specific, the GT-DD shall finalise its work in two meetings to be held in 2022, tentatively in March and September; an additional on-line meeting may be organised in June.

#### **Composition**

All member States can nominate representatives and/or independent experts and participate in the working group at their own expense. Institutions and bodies with the status of CDDG participant are also invited to nominate representatives in the working groups. The Council of Europe will bear the costs for the participation of experts from the following 8 member States **[to be completed once the list is available]**.

Experts nominated should have adequate specialisation in the following areas: forms of deliberative and participative democracy at central or sub-national levels of government; the setting-up and/or management of such mechanisms including citizens' assemblies and e-democracy platforms; the organisation of deliberations / discussions / information networks based on events in-person or IT platforms; participatory processes in specific areas such as budgeting or urban planning etc.

In any event, the experts who have worked on the report prepared by the Division on elections and participatory democracy could also be invited to participate in the activity of the working group (e.g. one of these experts could be invited to at least present the report at the first meeting).

### **Background documents**

The working group should take into account pertinent reports and documents produced under the aegis of the Council of Europe or by other organisations, including:

- Report on deliberative democracy, currently under preparation by the Division on elections and participatory democracy
- Report by the Congress on deliberative Democracy – should be published on 19 November
- Assembly Recommendation 2212 (2021) “More participatory democracy to tackle climate change”, adopted by the Parliamentary Assembly on 29 September 2021, and supporting report (Doc. 15351, rapporteur: Mr George Papandreou), see [here](#).
- [Study on the impact of digital transformation, including artificial intelligence and automated decision making, on democracy and governance](#), approved by the CDDG at its 13<sup>th</sup> meeting 15-16 April 2021
- [Handbook on e-democracy](#), approved by the CDDG at its 11<sup>th</sup> meeting 10-11 September 2020
- [Toolkit on civil participation in decision making \(April 2020\)](#)
- [Committee of Ministers’ recommendation \(2018\)4 on the participation of citizens in local public life](#)
- [2017 Committee of Ministers’ Guidelines on civil participation in decision-making](#) as well as [Civil participation in decision-making processes - An Overview of Standards and Practices in Council of Europe Member States \(May 2016\)](#)
- Proceedings from relevant editions of the [World Forum for Democracy](#), e.g. “Is democracy in danger in the information age?” (November 2019); “Re-wiring Democracy: connecting institutions and citizens in the digital age” (November 2013); Can Democracy save the environment? (2021)
- CDLR Report on [Participation of citizens in local public life \(2000\)](#)
- OECD: [Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave](#) ; work on [Digital Government](#) and on [Open Government](#)
- EU: [European Democracy Action Plan](#)

### **Working methods**

The working group may use on-line meetings and written consultations as necessary. It is encouraged to hold consultations with other bodies within and outside the Council of Europe, including non-governmental organisations. Given the specificities of the subject, the working group could actually use innovative approaches regarding the involvement of NGOs. It may also rely on contributions from expert consultants. See also Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

### APPENDIX III

#### ***Working group on Green Public Administration (GT-AV)***

##### **Task**

Carry out preliminary work for the CDDG with a view to elaborating a *draft report on green public administration aimed at collecting and disseminating good practice and case studies and identifying guidance for administrations at local, regional and national level, taking into account the proceedings of the 2020-2021 edition of the World Forum for Democracy and its previous work on digitalisation of the public administration* (specific task (iii) of the terms of reference 2022-2025 of the CDDG).

In addressing this task, the working group is invited to consider how public sector entities at national and sub-national levels directly address climate change, energy and sustainability challenges in their own activities and projects, including for the reduction of emissions and other pollutants, reduction in use of resources, promotion of efficient use of resources (including natural resources) including recycling and waste reduction, and how – more broadly – they can influence society and the economic sphere through their own policies and actions.

**Timeline:** end of 2022 - end of 2023 (draft for approval by the CDDG at its 18<sup>th</sup> meeting, November-December 2023). The working group would do some preliminary work in the end of 2022 and hold two meetings in 2023 (periods to be determined).

##### **Composition**

All member States can nominate representatives and/or independent experts and participate in any of the working groups at their own expense. Institutions and bodies with the status of CDDG participant are also invited to nominate representatives in the working groups.

The Council of Europe will bear the costs for the participation of experts from the following 9 member States **[to be completed once the list is available]**

Experts nominated should have adequate specialisation in the following areas: governmental action and research (at national or regional/local level) in relation to the promotion of “green” working methods; academic work on green public administration; greening in relation to specific areas: human resource management, working methods, supplies and public procurement, infrastructure management; civil society action aimed at promoting green public administration.

## Background documents

The working group should take into account pertinent reports and documents produced under the aegis of the Council of Europe or by other organisations, including:

- proceedings from the [2020-2021 edition of the World Forum for Democracy](#)
- CDDG: [study on the impact of the digital transformation, including artificial intelligence and automated decision-making, on democracy and good governance \(September 2021\)](#)
- Developments in relation to the activity of the European Court of Human Rights (see [here](#) and this [factsheet produced by DG1](#))
- Centre of Expertise: [green initiatives at local level – best practice from Ukraine](#)
- [Council of Europe Toolkit on Teleworking in Public Administration](#)
- [Proceedings from the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning \(CEMAT\)](#)
- European Public Sector Award (EPSA): work on [Green Public Administration](#)
- OECD: [work on green public procurement](#)

## Working methods

The working group may use on-line meetings and written consultations as necessary. It is encouraged to hold consultations with other bodies within and outside the Council of Europe including non-governmental organisations. It may rely on contributions from expert consultants. See also Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.