



# RULES AND PROCEDURES

of the Congress of Local and Regional  
Authorities of the Council of Europe



The Congress



Le Congrès

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

# **Rules and Procedures**

## of the Congress of Local and Regional Authorities of the Council of Europe

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## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>8</b>
<b>DEFINITIONS .....</b>	<b>9</b>
<b>CHAPTER I – THE CONGRESS AND ITS CHAMBERS....</b>	<b>13</b>
The Congress .....	13
The chambers .....	13
Aims and duties of the Congress .....	13
<b>CHAPTER II – MEMBERSHIP OF THE CONGRESS AND ITS CHAMBERS.....</b>	<b>15</b>
Rule 1 – Appointment of national delegations .....	15
Rule 2 – Requirements for national delegations .....	16
Rule 3 – Term of office and general qualifications for membership .....	17
Rule 4 – Membership of the chambers .....	21
Rule 5 – Representatives and substitutes .....	22
Rule 6 – Verification of credentials .....	23
Rule 7 – Honorary membership .....	24
<b>CHAPTER III – POLITICAL GROUPS.....</b>	<b>26</b>
Rule 8 – Formation and funding of political groups.....	26
Rule 9 – Meetings of political groups.....	26
Rule 10 – Duties of political groups.....	27
Rule 11 – Presidents of political groups.....	27
<b>CHAPTER IV – SESSIONS OF THE CONGRESS AND CHAMBERS .....</b>	<b>28</b>
Rule 12 – Place and frequency .....	28
<b>CHAPTER V – PRESIDENCY OF THE CONGRESS AND CHAMBERS .....</b>	<b>29</b>
Rule 13 – Entitlement to stand for presidencies and vice-presidencies .....	29
Rule 14 – Election procedures.....	31
Rule 15 – Term of office.....	33
Rule 16 – Duties of presidents .....	35

<b>CHAPTER VI – BUREAUX OF THE CONGRESS AND CHAMBERS .....</b>	<b>37</b>
Rule 17 – Constitution of the bureaux .....	37
Rule 18 – Bureau procedure.....	38
Rule 19 – Functions of the Bureau of the Congress .....	40
Rule 20 – Appointment and duties of Bureau rapporteurs .....	41
<b>CHAPTER VII – ORIGATION AND DISTRIBUTION OF BUSINESS .....</b>	<b>42</b>
Rule 21 – Division of business between the Congress and chambers..	42
Rule 22 – Distribution of matters to committees and working groups	43
<b>CHAPTER VIII – PROCEDURE DURING SESSIONS.....</b>	<b>45</b>
Rule 23 – Agreement of agenda .....	45
Rule 24 – Tacit adoption procedure .....	46
Rule 25 – Matters for debate .....	47
Rule 26 – Declarations.....	48
Rule 27 – Proposals for future Congress activities presented by delegates .....	49
Rule 28 – Memoranda presented by delegates .....	50
Rule 29 – Matters for vote .....	50
Rule 30 – Speaking arrangements .....	50
Rule 31 – Voting arrangements .....	52
Rule 32 – Majorities required .....	53
Rule 33 – Quorum.....	54
Rule 34 – Amendments and sub-amendments .....	54
Rule 35 – Procedural motions .....	56
Rule 36 – Order in proceedings.....	57
Rule 37 – Public nature of debate and minutes of proceedings .....	58
Rule 38 – Public order.....	58
Rule 39 – Secret ballots .....	58
Rule 40 – Provisional President .....	59
<b>CHAPTER IX – STATUTORY FORUM.....</b>	<b>60</b>
Rule 41 – Constitution of the Statutory Forum .....	60
Rule 42 – Functions, powers and procedures of the Statutory Forum	60
<b>CHAPTER X – COMMITTEES.....</b>	<b>62</b>
Rule 43 – Constitution and role of committees .....	62
Rule 44 – Setting up of other committees .....	62

Rule 45 – Powers and duties of committees .....	63
Rule 46 – Membership of committees .....	63
Rule 47 – Election of chairs and vice-chairs of committees .....	65
Rule 48 – Duties and powers of chairs of committees .....	66
Rule 49 – Time, frequency and nature of meetings .....	67
Rule 50 – Attendance at meetings .....	67
Rule 51 – Agenda of committees .....	67
Rule 52 – Voting and quorum .....	68
Rule 53 – Procedure .....	68
Rule 54 – Appointment and duties of rapporteurs .....	68
Rule 55 – Reports from committees .....	70
Rule 56 – Common positions .....	71
<b>CHAPTER XI – WORKING GROUPS .....</b>	<b>73</b>
Rule 57 – Setting up of working groups .....	73
Rule 58 – Terms of reference and time-limit .....	73
Rule 59 – Applicability of committee rules .....	74
<b>CHAPTER XII – ORGANISATION OF SESSIONS AND MEETINGS IN EXCEPTIONAL CIRCUMSTANCES .....</b>	<b>75</b>
Rule 60 – Remote or hybrid sessions .....	75
Rule 61 – Remote or hybrid Bureau meetings .....	76
Rule 62 – Remote or hybrid committee meetings .....	76
<b>CHAPTER XIII – CONGRESS THEMATIC SPOKESPERSONS .....</b>	<b>77</b>
Rule 63 – Appointment and role .....	77
<b>CHAPTER XIV – DUTIES AND OBLIGATIONS OF THE MEMBERS OF THE CONGRESS, BREACHES THEREOF, DISCIPLINARY PROCEDURE AND SANCTIONS .....</b>	<b>78</b>
Rule 64 – Duties and obligations of the members of the Congress .....	78
Rule 65 – Gifts and other advantages .....	79
Rule 66 – Allegations of breaches of the duties and obligations of the members of the Congress .....	80
Rule 67 – Disciplinary procedure .....	80
Rule 68 – Sanctions .....	81
Rule 69 – Special measures concerning termination of the mandate of the Congress, and chamber presidents and vice-presidents and committee chairs and vice-chairs .....	82

<b>CHAPTER XV – RELATIONS WITH ASSOCIATIONS CONTRIBUTING TO THE COMPOSITION OF NATIONAL DELEGATIONS .....</b>	<b>84</b>
Rule 70 – Role and participation of national associations .....	84
<b>CHAPTER XVI – SPECIAL STATUS .....</b>	<b>85</b>
Rule 71 – Special guest delegations .....	85
Rule 72 – Partner for Local Democracy status.....	87
<b>CHAPTER XVII – OTHER TYPES OF PARTNERSHIP .....</b>	<b>91</b>
Rule 73 – Admissibility of requests for partnership status .....	91
Rule 74 – Granting, renewing, suspending or withdrawing partnership status.....	91
Rule 75 – Terms and conditions of participation .....	92
Rule 76 – Statutory Partners.....	92
Rule 77 – Institutional Partners .....	93
Rule 78 – Observer Partners .....	93
Rule 79 – Guest Observers.....	93
Rule 80 – Consultation and co-operation with statutory bodies and other institutions of the Council of Europe .....	94
Rule 81 – Consultation and co-operation with other organisations ....	94
<b>CHAPTER XVIII – ORGANISATION OF THE MONITORING PROCEDURES OF THE CONGRESS .....</b>	<b>95</b>
Rule 82 – General provisions .....	95
Rule 83 – The monitoring procedure.....	95
Rule 84 – Composition of a monitoring delegation .....	96
Rule 85 – Working languages for the monitoring exercise .....	99
Rule 86 – The monitoring visit programme.....	99
Rule 87 – Monitoring visits .....	100
Rule 88 – Preparation of the draft report, draft recommendation and draft resolution .....	102
Rule 89 – Adoption and follow-up of recommendations .....	103
Rule 90 – Post-monitoring procedure.....	104
<b>CHAPTER XIX – PRACTICAL ORGANISATION OF ELECTION OBSERVATION MISSIONS .....</b>	<b>106</b>
Rule 91 – General provisions.....	106
Rule 92 – Delegations, reports and co-operation with international observer institutions .....	107

<b>CHAPTER XX – IMPLEMENTATION OF THE POST-MONITORING/POST-ELECTORAL POLITICAL DIALOGUE</b>	<b>111</b>
Rule 93 – General provisions.....	111
Rule 94 – The post-monitoring dialogue.....	111
Rule 95 – Composition of the delegation for post-monitoring dialogue	
.....	111
Rule 96 – The post-electoral dialogue .....	112
Rule 97 – The composition of the post-electoral delegation .....	112
Rule 98 – Follow-up of post-monitoring and post-electoral political	
dialogue through co-operation activities.....	113
<b>CHAPTER XXI – SECRETARIAT AND BUDGET .....</b>	<b>114</b>
Rule 99 – Secretary General of the Congress .....	114
Rule 100 – Director and secretariat of the chambers.....	117
Rule 101 – Budget .....	118
<b>CHAPTER XXII – MISCELLANEOUS .....</b>	<b>120</b>
Rule 102 – Official languages.....	120
Rule 103 – Working languages.....	120
Rule 104 – Other languages.....	120
Rule 105 – Access to and declassification of Congress documents .....	121
Rule 106 – Revision of the Congress Charter.....	121
Rule 107 – Revision of Rules and Procedures of the Congress .....	121
<b>APPENDIX I: CODE OF CONDUCT OF CONGRESS MEMBERS .....</b>	<b>123</b>
<b>APPENDIX II – APPORTIONMENT BY COUNTRY OF SEATS ON COMMITTEES .....</b>	<b>126</b>
<b>APPENDIX III – PROPOSAL FOR FUTURE CONGRESS ACTIVITIES .....</b>	<b>127</b>
<b>APPENDIX IV – GUIDELINES FOR THE FUNDING OF POLITICAL GROUPS FROM THE CONGRESS BUDGET</b>	
.....	128



## INTRODUCTION

The Congress is governed by statutory resolutions adopted by the Committee of Ministers under the authority of the Statute of the Council of Europe. The relevant parts of the Charter of the Congress of Local and Regional Authorities of the Council of Europe appended to Statutory Resolution CM/Res(2020)1, govern aspects of the procedure of the Congress and are set out as boxed text in this document. They are reproduced for information purposes only.

The Congress itself has powers to adopt its Rules and Procedures to amplify the Charter. Rules must be consistent with the Charter. The current Rules and Procedures are set out in ordinary type in this document.

Under these Rules and Procedures, the Bureau of the Congress is also authorised to adopt rules on certain matters. These are set out in a separate document (Administrative Rules).

Finally, the Secretary General of the Congress is empowered to make decisions in matters within his or her competence, and in particular for the efficient management of the human and financial resources of the Congress.

## DEFINITIONS

For the purposes of these Rules and Procedures, unless the context otherwise requires, definitions are as follows:

- “advisory capacity”** means without voting rights;
- “available”** in respect of any document or text means either published or provided in hard copy;
- “Bureau”** (caps) means the Bureau of the Congress;
- “Charter”** means the Charter of the Congress as adopted by the Committee of Ministers;
- “competence of the Congress”** means anything covered by Article 2 of the Charter contained in Statutory Resolution CM/Res(2020)1 of the Committee of Ministers;
- “Congress”** means the Congress of Local and Regional Authorities of the Council of Europe;
- “day”** means a calendar day;
- “delegate”** means a member of a national delegation, whether he or she is a representative or a substitute;
- “matter”** has the same meaning as “topics” in Article 9 of the Charter;
- “non-affiliated”** means not belonging to a political group as defined in Chapter III;
- “opinion”** means a reply from the Congress following consultation by the Committee of Ministers or the Parliamentary Assembly;
- “plenary”** means proceedings of the Congress or of the Statutory Forum, but not of a chamber;

- “President”** (unless otherwise qualified) means the representative at the time performing the functions of President of the Congress;
- “proceedings”** means the business transacted at sittings of the Congress, either chamber, the Statutory Forum, the bureaux, any committee or any working group;
- “publish”** includes publishing on the Congress website;
- “recommendation”** means a text adopted by the Congress containing proposals addressed to the Committee of Ministers and/or the Parliamentary Assembly and/or European and international institutions and organisations;
- “reference list of mandates”** The list of all local and regional mandates that are considered to be in accordance with the Congress’ rules on delegations. This list is regularly updated by the Bureau;
- “renewal session”** means the session at which national delegations as a whole are renewed when the 5 year mandate of the previous delegations under Article 5.5 of the Charter contained in Statutory Resolution CM/Res(2020)1 expires;
- “report”** refers to a draft recommendation, draft resolution and/or draft opinion and its accompanying explanatory memorandum;
- “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, of a chamber and of a committee;

- “resolution”** means a text adopted by the Congress and addressed to the Congress itself or to the local and/or regional authorities of the member States;
- “session”** means a number of sittings of the Congress and its chambers held together;
- “sitting”** means a single official meeting of the Congress or a chamber where business is transacted;
- “specific local/or regional mandate”** refers to the effective local or regional mandate to which a delegate was either elected or for which he or she is politically accountable to a directly elected assembly (Article 5.2 of the Charter) and for which he or she was nominated and appointed to his or her national delegation. This mandate must be in accordance with the reference list of mandates;
- “substitute”** means a delegate nominated as a substitute (as opposed to “representative”) by a member State in its national delegation. The role of a substitute is to replace a representative in plenary, chamber or committee meetings. If duly mandated, he or she can vote in plenary and or committee, however he or she may only vote in the chamber to which he or she belongs if mandated to replace a representative from that same chamber. A substitute may not stand for election;
- “to table”** means to deposit in a printed or electronic form with the Table Office;
- “Table Office”** refers to the division within the secretariat of the Congress which deals with all matters concerning the organisation of the session and the Rules and Procedures;

- “text”** means any declaration, resolution, recommendation or opinion adopted during a sitting; “preliminary draft text” means any proposal for a text being examined by a bureau or a committee for approval; “draft text” means any proposal for a text approved by a bureau or a committee for presentation to a chamber or to the Congress or the Statutory Forum for adoption;
- “votes cast”** only affirmative and negative votes count in calculating the number of votes cast;
- “in writing”** means in English or French and includes by electronic means.

Timings are in accordance with the 24-hour clock, Paris time.

## CHAPTER I – THE CONGRESS AND ITS CHAMBERS

### The Congress

*The Congress of Local and Regional Authorities of the Council of Europe [...] is a consultative organ composed of representatives of local and regional authorities. Its membership and functions are regulated by the Charter of the Congress of Local and Regional Authorities of the Council of Europe adopted by the Committee of Ministers and by the Rules and Procedures adopted by the Congress. (Article 1.1)*

### The chambers

*The Congress is composed of two chambers: the Chamber of Local Authorities which represents local authorities and the Chamber of Regions which represents regional authorities. [...] (Article 3)*

### Aims and duties of the Congress

*The Congress shall be consulted by the Committee of Ministers and the Parliamentary Assembly on issues which are likely to affect the responsibilities and interests of the local and/or regional authorities which the Congress represents. (Article 1.2)*

*The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government. As part of its monitoring activity, the Congress shall also prepare reports and recommendations following the observation of local and/or regional elections. (Article 1.3)*

*In addition to its role such as local representation, consultative organ, facilitator, advisor and its monitoring functions, the Congress, within the framework of the priorities of the Council of Europe, undertakes activities the aims of which shall be:*

- a. *to ensure the participation of local and regional authorities in the implementation of the ideal of European unity, as defined in*

*Article 1 of the Statute of the Council of Europe, as well as their representation and active involvement in the Council of Europe's work;*

- b. to submit proposals to the Committee of Ministers in order to promote local and regional democracy;*
- c. to draw up recommendations and guidelines for consideration by the Committee of Ministers wherever there is a local and /or regional dimension;*
- d. to prepare suggestions, in the form of resolutions, addressed to the Congress or to local and regional authorities and their associations;*
- e. to promote co-operation between local and regional authorities;*
- f. to contribute to the Council of Europe Action Plans and its policy towards neighbouring regions with regard to issues having a local and/or regional dimension;*
- g. to maintain, within the sphere of its responsibilities, contact with international organisations as part of the general external relations policy of the Council of Europe;*
- h. to work in close co-operation, on the one hand with the national associations of local and regional authorities, and, on the other hand, with the European organisations representing local and regional authorities of the member States of the Council of Europe, and notably with the European Committee of the Regions of the European Union. (Article 2)*

*Recommendations and opinions of the Congress shall be sent as appropriate to the Committee of Ministers, the Parliamentary Assembly or the relevant member State as well as to European and international organisations and institutions. (Article 12.2)*

*Resolutions addressed to the local and regional authorities as a whole, and other adopted texts which do not entail action by the Committee of Ministers and/or the Parliamentary Assembly, shall be transmitted to them for their information. (Article 12.3)*

## CHAPTER II – MEMBERSHIP OF THE CONGRESS AND ITS CHAMBERS

### Rule 1 – Appointment of national delegations

***Representatives and substitutes to the Congress shall be appointed by an official procedure specific to each member State. This procedure shall provide for consultation in each member State of the relevant associations and/or institutional bodies representing local and regional authorities and shall specify the principles to be adhered to in apportioning delegates to the two chambers. Each government shall inform the Secretary General of the Congress of this procedure. Such a procedure shall be approved by the Congress in conformity with the principles contained in this Charter and in its Rules and Procedures. (Article 6.2)***

1. Each member State must submit its official procedure (or any modification to that procedure), not later than two months before the session at which the procedure (or modification) is to apply for the first time, to the Secretary General of the Council of Europe, who in turn transmits it to the Secretary General of the Congress.
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 5 and 6 of the Charter as well as in these Rules.
3. If the Bureau of the Congress reports that an official procedure (or modification) does not meet those requirements, the Secretary General of the Congress must inform the member State concerned and seek rectification of the procedure to comply with the requirements of the Charter as well as these Rules. No person nominated under such a procedure shall be appointed as a member of the Congress.
4. The official procedure must take into consideration the mandates indicated in the Congress' reference list (Rule 3.7).



5. By submitting its proposed list of nominations via the Official nomination form each member State declares that its delegation to the Congress has been appointed by an official procedure that ensures that its delegation has the full confidence of the member State's local and regional authorities and its political parties and that all relevant national partners have been duly consulted.

### **Rule 2 – Requirements for national delegations**

1. The delegates from a member State form its national delegation which is made up of representatives and substitutes.

2. Each national delegation must elect a head of delegation and a deputy head according to its own procedures. The procedures must be notified to the Secretary General of the Congress.

3. Heads of delegation should preferably be representatives, and not substitutes.

4. The deputy head of a national delegation should preferably not be of the same chamber nor of the same gender nor political group as the head of the delegation, but either may be non-affiliated.

5. The European Charter of Local Self-government advocates the right for local and regional authorities to determine their own internal administrative structures; in this spirit each national delegation must ensure the support of a secretary or secretaries who are independent from all national government or agency authority for the purposes of this work and who preferably have ties with one of the associations of local and/or regional authorities entitled to be consulted with regard to the composition of national delegations. The appointment of the secretary or secretaries of delegation must be notified, in writing, to the Secretary General of the Congress by the head of delegation.

### Rule 3 – Term of office and general qualifications for membership

***Each member State shall have the right to the same number of representatives and substitutes in the Congress as it has in the Parliamentary Assembly. (Article 5.1)***

***Representatives and substitutes shall be appointed for a period of five years. The rules and procedures governing the choice of representatives to the Congress shall also apply to substitutes. (Article 5.4)***

***Representatives and substitutes shall maintain their functions until the opening of the session following the expiration of that period, referred to as renewal session, except in the event of the death or resignation of a representative or substitute, the loss of their specific local or regional mandate or the termination of their Congress mandate following application of the Congress' Code of Conduct. In such a case a replacement shall be chosen, in accordance with the same rules and procedures, for the remainder of his or her predecessor's mandate. (Article 5.5)***

***A representative or substitute who has lost his or her specific local or regional mandate may not remain a member of the Congress for more than six months after said loss. In the case of local and/or regional elections taking place up to four months prior to a renewal session, the five-year mandate provided for in Article 5.4 of the Charter may be extended for a maximum of six months after the election.<sup>1</sup> (Article 5.6)***

1. A delegate who resigns his or her specific local or regional mandate or his or her Congress mandate must notify the date the resignation takes effect in writing to the President of the Congress and the national delegation no later than 30 days following that resignation. The delegate immediately loses his or her Congress mandate and the relevant authorities must nominate a new delegate as soon as possible.
2. When a delegate loses his or her specific local or regional mandate, the head or secretary of the national delegation concerned must notify the

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<sup>1</sup> See also Rule 3.6.

President of the Congress no later than 30 days after said loss takes effect,<sup>1</sup> and the relevant authorities must nominate a new delegate as soon as possible.

3. The membership of the delegate who lost his or her specific local or regional mandate expires on the date the credentials of the proposed successor are approved by the Bureau of the Congress or, if no replacement nomination has been made in the meantime, at the latest, six months after the day when the loss of the electoral mandate took effect.

***The representatives and substitutes shall represent local and regional bodies and either hold a specific local or regional authority mandate resulting from direct elections or be politically accountable to a directly elected assembly. In the latter case, it must be possible to dismiss them individually or following the decision of the aforementioned assembly and that possibility of dismissal must be provided for by law. (Article 5.2)***

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.

5. A member State may re-nominate a delegate who has changed his or her specific mandate provided the new mandate is within the same chamber and said re-nomination and Bureau approval is carried out within the six-month deadline provided for under Article 5.6 of the Charter.

6. In the case of local and/or regional elections taking place from four months before up to two months after a renewal session, the five year mandate foreseen in Article 5.4 of the Charter may be extended, for the existing delegation, for a maximum of four months after the session with the proviso that a new delegation be nominated in time for the second session of the new mandate.

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<sup>1</sup> Taken to be the date of the elections unless other information is given by the national delegation.

7. Where a member State wishes to nominate a delegate who does not hold a specific local or regional authority mandate resulting from direct elections but who 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 delegate concerned. In order to be accepted, each mandate must be included in the reference list of mandates. 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. Until formal inclusion of their mandate on the list, in the form of a decision by the Bureau, delegates holding such a mandate are not eligible for nomination to the Congress. Specific local or regional mandates are individual and therefore not interchangeable with another mandate from the reference list of mandates. Members who change mandate must therefore be re-appointed by their national authorities and their credentials ratified by the Bureau and the Congress.

***The membership of each member State's delegation to the Congress shall be such as to ensure, as far as possible:***

- a. ***a balanced geographical distribution of delegates from the member State's territory;***
- b. ***equitable representation of the various types of local and regional authorities in the member State;***
- c. ***equitable representation of the various political forces reflecting either the latest local and regional elections or the effective political distribution within the statutory bodies of local and regional authorities in the member State;***
- d. ***equitable representation of women and men meaning that all delegations must include delegates of both genders with a minimum participation of at least 30% of the under-represented gender among the representatives and among the substitutes.***  
***(Article 5.3)***

***The [...] Rules and Procedures which shall provide for [...] the modalities for assessing compliance with the criteria of Articles 5.2 and 5.3 of the Charter; (Article 14.a)***

8. Each member State must provide information, via the Secretary General of the Congress, to the Bureau of the Congress to demonstrate the conformity of their delegation with Article 5.3 of the Charter, and must inform the Secretary General of the Congress of their delegates' political affiliation and of the apportionment of the various political trends represented within their local and regional authority bodies, as a result of the last local and regional elections held in their countries.

9. A national delegation must comply with Article 5.3 of the Charter even if it is not composed of all the delegates to which it is entitled. In this respect it should be noted that:

- a. the political criterion must be applied across the whole delegation with members from different parties and independent members being equitably distributed among the representatives and substitutes;
- b. the 30% criterion for the under-represented sex is calculated on the basis of a complete delegation. Delegations in which there are vacant seats must therefore fully respect the 30% criterion. This rule is not applicable to delegations which lose a member of the under-represented sex during the course of a mandate causing the delegation to fall below the required threshold. However, upon each new appointment the 30% threshold must be re-established;
- c. while there is no binding age-related criterion in the Charter as yet, member States are encouraged to include in their delegations at least one member under the age of 35.

10. The proposed members of any delegation which does not comply with Article 5.3 of the Charter may be present only at the session during which their credentials are examined. They may not speak, table any amendment, nor vote. Thereafter, they may not take part in proceedings until the situation leading to non-compliance has been resolved.

***No person whose credentials have not been ratified, or who is member of a national delegation which does not comply with Article 5.3 of the Charter, may vote or receive allowances or reimbursement of expenses as they shall not be considered a member of the Congress with effect from the Congress' vote at the opening of the session. (Article 7.2)***

11. The number of vacant seats in a national delegation must not exceed one third of the total number of seats (representatives and substitutes) to which the member State concerned is entitled.<sup>1</sup> Should the delegation have one third of its seats vacant for more than a six-month period, it will be barred from participation in proceedings. A delegation barred from proceedings is not invited to any meeting or event organised by the Congress until such a time as the situation is resolved and the Bureau has agreed to re-instate the delegation's rights and privileges.

#### **Rule 4 – Membership of the chambers**

***Member States shall distribute their delegates between chambers in accordance with their internal structures. Provisions concerning representation thresholds within each chamber shall be set out in the Congress's Rules and Procedures. Each member State, when notifying the Secretary General of the Council of Europe of the composition of its delegation, shall indicate those representatives and substitutes who will be members of the Chamber of Local Authorities and those who will be members of the Chamber of Regions. (Article 6.1)***

1. National authorities, in consultation with their national associations or respective regional co-ordination structures, may appoint their delegates to whichever chamber corresponds best with their internal structure.

2. The choice, once made, will last one full 5-year mandate and will not be subject to change within that period.

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<sup>1</sup> This rule is not applicable to delegations with fewer than 7 seats.

3. A member State which has a region or regions with legislative powers is encouraged to include at least one delegate from one such region in the Chamber of Regions.
4. Only the members who are representatives in their national delegations and substitutes duly mandated to replace a representative from that same chamber have full voting rights in their chamber.

#### **Rule 5 – Representatives and substitutes**

***Each member State shall have the right to the same number of representatives and substitutes in the Congress as it has in the Parliamentary Assembly. (Article 5.1)***

***[...] The rules and procedures governing the choice of representatives to the Congress shall also apply to substitutes. (Article 5.4)***

1. A representative prevented from attending a sitting of the Congress may nominate a substitute from his or her national delegation as his or her replacement for that sitting. The representative must give notice of the replacement in writing to the Secretary General of the Congress and to his or her national delegation as soon as possible and no later than 7 days prior to the sitting.
2. A substitute may only replace one representative at any one sitting.
3. A substitute replacing a representative is recorded in his or her own name when participating, whether by speaking or voting, in the Congress plenary.
4. A substitute replacing a representative at a sitting of the Congress plenary may exercise all the powers and enjoy all the voting, tabling and speaking privileges of a representative for the duration of the sitting concerned.
5. Except when replacing a representative under the present rule, a substitute may neither speak nor vote.

6. A duly mandated substitute replacing a representative from another chamber participates in the sessions of the chamber to which he or she belongs and not in that of the representative he or she is replacing.

#### **Rule 6 – Verification of credentials**

***Whenever representatives and substitutes have been appointed, the Bureau shall check their credentials. Representatives and substitutes whose credentials have been approved by the Bureau may act as Congress members with immediate effect. Their credentials shall be ratified by the Congress at its next session or by the Statutory Forum between sessions. (Article 7.1)***

***No person whose credentials have not been ratified, or who is member of a national delegation which does not comply with Article 5.3 of the Charter, may vote or receive allowances or reimbursement of expenses as they shall not be considered a member of the Congress with effect from the Congress' vote at the opening of the session. (Article 7.2)***

***For the purposes of verification of credentials, a plenary sitting must be held prior to a chamber session. (Article 8.3)***

1. Each member State must submit the draft composition of its delegation, in accordance with its official procedure, to the Secretary General of the Council of Europe for presentation to the Bureau of the Congress at least six weeks before the opening of a renewal session.

2. Where a modification to the existing delegation is proposed, due to death, resignation or loss of mandate (as set out in Article 5.2 of the Charter) prior to any non-renewal session, the altered draft composition should be sent at the latest 14 days prior to the session at which the altered delegation will be examined for approval by the rapporteurs on behalf of the Bureau via e-mail.

3. In between sessions the Bureau, on the recommendation of its rapporteurs on the verification of new members' credentials, approves delegates' credentials thereby entitling them to participate in meetings organised by the Congress, with the powers of a fully appointed delegate



and the covering of expenses. The approval of the Bureau must be confirmed at the following Congress session.

4. The rapporteurs on behalf of the Bureau of the Congress must report on the draft composition of delegations (or on any proposed modification to a delegation) so that their report can be considered at the start of the session before the Congress proceeds to any other business. Their report must propose a decision for each new or modified delegation in the form of a draft resolution with the relevant list appended.

5. Delegates must submit a declaration of interest stating that they have no interests, of an economic, commercial or financial nature, nor do any members of their family, which might have the potential to pose a conflict of interest, and include all relevant interests. They must also sign the Code of Conduct of Congress members. Failure to do so will result in the delegate not enjoying speaking and voting rights nor defrayal of expenses relating to participation in Congress proceedings.

6. Delegates whose credentials the Bureau of the Congress proposes should not be ratified may provisionally sit with the same rights as other delegates until the Congress has ruled on the matter. However, such delegates may not take part in any vote relating to the verification of credentials or of the official appointment procedures. If, following the vote by the plenary session those delegates' credentials have not been ratified, they are not considered members of the Congress and may not take part in proceedings.

7. The Secretary General of the Congress shall inform the Bureau at the earliest possible occasion of any failures to comply with Rule 6.5.

### **Rule 7 – 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 for at least two full mandates; or
  - d. a member for at least 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.
  3. The Bureau may make provisions governing the rights and privileges of honorary members in the Administrative Rules.

## CHAPTER III – POLITICAL GROUPS

***Delegates may form political groups. The functioning, prerogatives and financing of such groups shall be detailed in the Congress Rules and Procedures. (Article 4)***

### Rule 8 – Formation and funding of political groups

1. A political group must consist of at least 20 delegates drawn from at least six national delegations to be recognised as a political group by the Congress. The situation of the groups as at 1 January each year will be examined by the Secretary General of the Congress who will subsequently inform the Bureau.
2. Each group's budgetary allocation is calculated on the basis of the number of its members on 1 January each year. A complete list of the members must therefore be submitted to the Secretary General of the Congress in the first week of each year by the presidents of the political groups.
3. Rules on funding of political groups are decided upon by the Bureau of the Congress and added as an appendix to the current Rules and Procedures.

### Rule 9 – Meetings of political groups

***The political groups of the Congress shall meet principally on the occasion of sessions and Statutory Forum meetings. (Article 8.4)***

Meeting rooms and interpretation shall be provided by the Congress for meetings of political groups. Interpretation shall be provided in accordance with Rules 103 and 104.

### **Rule 10 – Duties of political groups**

1. Each political group must adopt its constitution and/or rules of procedure, and must submit these, and any subsequent modification to them, to the Secretary General of the Congress who must submit them to the Bureau of the Congress for information.
2. Each group's constitution must commit the group to the respect and promotion of the aims and basic principles of the Council of Europe, notably political pluralism, human rights and the rule of law.
3. Each political group must at each renewal session inform the Bureau of the Congress of the names of its members, president, 1st vice-president, treasurer and secretary and the composition of its bureau and must keep the Bureau informed of any changes to these as soon as they occur. The Secretary General of the Congress must make this information publicly available.

### **Rule 11 – Presidents of political groups**

1. Presidents of political groups must be representatives, not substitutes.
2. Presidents of political groups may participate in the work of the Bureau of the Congress on behalf of their group in accordance with Rule 18.3 and in the Statutory Forum in accordance with Rule 41.2.
3. A president of a political group may not at the same time:
  - a. be a member of the Bureau of the Congress;
  - b. be a chair or 1st vice-chair of a committee; or
  - c. act as rapporteur or head of delegation during election observation exercises.
4. A president of a political group who is elected to the Bureau of the Congress or loses his or her Congress mandate must be replaced at bureaux

meetings, until a new president is elected, by the group's 1st Vice-President. This replacement should not exceed six months.

## CHAPTER IV – SESSIONS OF THE CONGRESS AND CHAMBERS<sup>1</sup>

### Rule 12 – Place and frequency

***The Congress shall meet in session twice a year. Sessions shall be held at the Council of Europe's headquarters, unless otherwise decided, by common consent, by the Congress or its Bureau and the Committee of Ministers. (Article 8.1)***

***For the purposes of verification of credentials, a plenary sitting must be held prior to a chamber session. (Article 8.3)***

The Bureau of the Congress must set the dates of the Congress's sessions and the President of the Congress must inform the Chair of the Committee of Ministers and the President of the Parliamentary Assembly accordingly.

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<sup>1</sup> See Chapter XII.

## CHAPTER V – PRESIDENCY OF THE CONGRESS AND CHAMBERS

### Rule 13 – Entitlement to stand for presidencies and vice-presidencies

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

***The Congress shall elect its President, from among the delegates who are representatives in their delegations, on an alternating basis from each chamber. The President shall remain in office for two and a half years. (Article 10.3)***

2. A representative may be a candidate for the office of President of the Congress only if:

- a. he or she has been nominated in writing by at least 20 representatives from at least four national delegations;
- b. his or her candidature has been notified to the Secretary General of the Congress at the latest 24 hours before the opening of the sitting at which the election is to take place; and
- c. he or she does not belong to the same chamber as the outgoing President.

***Each chamber of the Congress shall elect, from among its members who are representatives in their delegations, a president who shall remain in office for two and a half years. (Article 10.4)***

3. A representative may be a candidate for the office of president of a chamber only if:

- a. he or she sits in that chamber;
- b. he or she has been nominated in writing by at least 10 delegates sitting in that chamber from at least four national delegations;
- c. his or her candidature has been notified to the Executive Secretary of that chamber at the latest two hours before the opening of the sitting at which the election is to take place;
- d. he or she has not held two consecutive mandates as president of that chamber immediately before that election; and
- e. he or she does not belong to the same national delegation as the President of the Congress.

4. A representative may be a candidate for the office of vice-president of a chamber only if:

- a. he or she sits in that chamber; and
- b. his or her candidature has been notified to the Executive Secretary of that chamber at the latest two hours before the opening of the sitting at which the election is to take place.

## Rule 14 – Election procedures

***The procedures for election to the bureaux, ensuring implementation of the provisions of the current article, shall be set out in the Rules and Procedures. (Article 10.6)***

***The [...] Rules and Procedures [...] shall provide for [...] the organisation of elections [...]; (Article 14.b)***

1. The election of the President of the Congress must take place during the opening sitting of the renewal session, and at the opening sitting of the session two and a half years after a renewal session. Only representatives or substitutes duly mandated to replace a representative may vote. The technical aspects of voting procedures shall be detailed in the Administrative Rules.
2. The election of a president of a chamber must take place during the session of the chamber following the election of a President of the Congress, except after an extraordinary election of a president held under Rule 15.3 or, if it is not possible to elect a new President, in which case the provisions of Rule 40.2 apply.
3. Elections for the posts of President of the Congress and of presidents of the chambers must be by secret ballot (which may be held electronically) even where there is only one candidate, in which case the ballot must provide for votes in favour, votes against and abstentions.
4. A candidate to the post of President of the Congress or of president of a chamber is elected if more than half of the votes cast are in his or her favour. If this is not the case, a new election must take place as follows:
  - a. with regard to the post of President of the Congress, candidatures must be presented to the Secretary General of the Congress in accordance with Rule 13.2.a and 13.2.c, within four hours of notification of the result of the election to Congress members by the provisional President. The new election shall be held as soon as possible thereafter and preferably before the end of the session;



- b. with regard to the post of president of a chamber, candidatures must be presented to the Executive Secretary of that chamber in accordance with Rule 13.3.b within one hour of notification of the result of the election to that chamber's members by the provisional President. The new election shall be held as soon as possible thereafter and preferably before the end of the chamber session.
5. Where there is more than one candidate, the Congress or chamber votes by secret ballot which may be held 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 obtained 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 several candidates in the final round, lots shall be drawn.
6. Immediately after each chamber has elected a president, it must elect by secret ballot (which may be held electronically), seven vice-presidents. In the case of a non-electronic secret ballot and if tellers were not required for the election of the president, two tellers per ballot box are chosen by lot in order to observe the counting of the votes cast. An election must take place even if there are fewer than seven candidates. A delegate<sup>1</sup> entitled to vote may do so, using a single ballot paper, for up to seven candidates and must vote for at least four. The seven candidates receiving the greatest number of votes are declared elected in each chamber in order of precedence according to the number of votes each receives.
7. A candidate for the office of vice-president is eliminated from election if a representative belonging to the same national delegation has already been elected as president of the Congress or of that chamber.
8. If more than one representative from the same national delegation is a candidate to be vice-president of the same chamber, only the

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<sup>1</sup> See Rule 31.

representative with the highest number of votes can be declared elected. In the event of a tie between several candidates, lots shall be drawn.

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

10. The presidents and vice-presidents of the chambers are the vice-presidents of the Congress. The president of the chamber to which the President of the Congress does not belong is 1st Vice-President of the Congress. The president of the other chamber is 2nd Vice-President of the Congress. The 1st vice-president of the chamber to which the President of the Congress does not belong is 3rd Vice-President of the Congress, and so on.

11. Elections may be held remotely if the Bureau of the Congress decides that for reasons of urgency, inability to hold in-person elections or other specific situations or pragmatic considerations these are necessary, provided that what it deems to be the requisite security, confidentiality and accessibility conditions can be met. The provisions in Chapter XII apply.

### Rule 15 – Term of office

***[...] The President shall remain in office for two and a half years. (Article 10.3)***

1. No representative may hold office as President of the Congress for two consecutive terms, whether complete or partial.

***Each chamber of the Congress shall elect, from among its members who are representatives in their delegations, a president who shall remain in office for two and a half years. (Article 10.4)***

2. No representative may hold office as president of a chamber for more than two consecutive terms, whether complete or partial.

3. When the President of the Congress or a president of a chamber resigns or ceases to be a representative, or is incapable of acting as such in accordance with Rule 15.10 below, an extraordinary election to the office in question for the remainder of the term outstanding must be held at the start of the following session under the procedures described in Rules 14.3 to 14.5.
4. When a vice-president other than a president of a chamber ceases to be a representative or if his or her seat on the bureau becomes vacant, that position is filled by the next bureau member of his or her chamber according to order of precedence taking the number of votes and chamber alternation into account. The Bureau of the Congress must make provision for the election of a new vice-president at the next chamber sitting.
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.
6. The provisions of paragraphs 3 and 4 shall not apply if representatives holding the post of President of the Congress, or president or vice-president of a chamber are reappointed to their national delegation with another specific local or regional mandate within six months after having lost the previous mandate. Provided that their nomination is within the same chamber and that their credentials have been ratified in accordance with the provisions of Rule 6, such representatives shall continue to hold their elective posts in the Congress for the remainder of the term outstanding.
7. Where there is one candidate to the post of vice-president of a chamber, he or she is declared vice-president without proceeding to a ballot unless a ballot is requested by at least 20 representatives (or substitutes duly mandated according to Rule 5.1) from at least four delegations and whose credentials have been ratified by the Congress. Where such a ballot is requested, it shall be held immediately (this may be electronically), be secret and provide for votes in favour, votes against and abstentions.
8. Where there is more than one vacant position of vice-president to be filled in the same chamber, election takes place in accordance with

Rules 14.7 to 14.9. In the event of a tie between several candidates in the final round, lots shall be drawn.

9. Each new vice-president is placed last in the order of precedence in his or her chamber. Where more than one new vice-president is elected to a chamber at the same election the order of precedence shall be established in accordance with the number of votes each receives, in line with Rules 14.6 and 15.4.

10. A representative who has not exercised any of his or her functions of president or vice-president for a period of six months is deemed to be incapable of acting in that office. In this case, the Bureau of the Congress must make provision for their replacement in accordance with Rules 15.3 or 15.4.

### **Rule 16 – Duties of presidents**

1. It is the duty of the president to open, suspend and close sittings; to propose at the end of each sitting the date, time and agenda of the next sitting; to guide debate; to ensure observance of the Rules and Procedures; to maintain order; to call on speakers; to open and close debates; to put questions to the vote; to announce the results of votes; and to decide to check whether there is a quorum before proceeding with a vote by roll-call.

2. The representative holding office as president may speak in a debate but must do so from the floor and not as president. When speaking from the presidential chair, the president is restricted to speaking on matters on which the president is authorised to speak under these Rules.

3. No-one may preside over any debate in which he or she takes part.

4. When the president speaks from the floor, a vice-president must occupy the chair for that debate.

5. The President of the Congress represents the Congress in its relations with other bodies. In particular, he or she is responsible for informing the Parliamentary Assembly and the Committee of Ministers of Congress activities. He or she also keeps the Bureau informed at regular

intervals about the state of the recommendations put forward to the Committee of Ministers by the Congress.

6. Each president must carry out the policy decided by the body of which he or she is president and is to maintain contacts with international organisations as part of the general external relations policy of the Council of Europe.

7. The president may delegate part of his or her responsibilities to a vice-president. If the president is absent or temporarily unable to discharge his or her responsibilities, they shall be exercised by the most senior vice-presidents available, and subject to the provisions of Rule 102.3.

8. When acting as president, a vice-president may exercise the powers of, and is subject to the obligations of the president.

## CHAPTER VI – BUREAUX OF THE CONGRESS AND CHAMBERS

### Rule 17 – Constitution of the bureaux

*Each chamber shall elect its bureau for a period of two and a half years from among its members who are representatives in their delegations. A chamber bureau shall be composed of the president of the chamber and seven vice-presidents, respecting as far as possible a fair geographical distribution among member States. The bureaux of the chambers may only meet on the occasion of a meeting of the Bureau of the Congress. (Article 10.5)*

*The members of the Bureau of the Congress are the members of the bureaux of the chambers and the President of the Congress ("Bureau members"). No member State shall have more than one member in the Bureau. (Article 10.1)*

*The outgoing president, the chairs of the committees and the presidents of the political groups may participate in the Bureau of the Congress and the bureaux of the chambers without voting rights ("Bureau participants"). (Article 10.7)*

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.
2. Members of a bureau who are not available to participate in a bureau meeting may not be replaced.
3. The outgoing President of the Congress, the presidents of the political groups and the chairs of the committees participate in the meetings of the Bureau of the Congress without voting rights. Chairs of committees may be replaced at such meetings by 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 11.4.

4. The presidents of the political groups and the chairs of the committees may participate in the meetings of the bureau of either chamber, irrespective of their chamber of origin, but do not have the right to vote. Replacements are as under Rule 17.3.

5. A bureau may also invite to the whole or part of its meetings any person in an advisory capacity (including a thematic spokesperson, a rapporteur on observation of elections, a rapporteur of a committee or a rapporteur of a working group) or any other persons or representatives of organisations whose contribution may be deemed useful, including delegations with special status or organisations enjoying partner status. Persons invited under this paragraph may speak only on those subjects for which they were invited.

### Rule 18 – Bureau procedure

***[...] meetings of the [...] Bureau of the Congress shall be presided over by the President of the Congress. (Article 11)***

1. The bureau of a chamber is presided over by that chamber's president.

2. Meetings of the bureaux are to be held *in camera*. A bureau may decide to exclude from a particular meeting, or part of a meeting, any persons it considers necessary to exclude, except the members elected to that bureau (restricted *in camera*).

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.

4. Decisions in the bureaux are taken by consensus except where a vote is deemed necessary by the President or requested by a Bureau member; in this case voting is by simple majority of the members present. The President may take part in the Bureau's discussions and may vote but does not have a casting vote.
5. The Bureau may take a decision by written procedure (e-mail) if the matter under consideration cannot wait for the next Bureau meeting. In this case voting is by simple majority and a lack of response by the required deadline is taken to be tacit agreement.
6. Where urgent decisions are required in between Bureau meetings the President of the Congress may take them in agreement with the chamber presidents.
7. Except for the President and the chamber presidents, who may be accompanied by two advisors, Bureau members and participants<sup>1</sup> may be accompanied to bureaux meetings 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 meeting, their advisor may attend the meeting without the right to speak.

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<sup>1</sup> Presidents of the political groups, chairs of the committees and the outgoing President of the Congress.



## Rule 19 – Functions of the Bureau of the Congress

***The Bureau shall be responsible, in the period between the sessions of the Congress and the meetings of the Statutory Forum, for ensuring the continuity of the Congress's work. (Article 10.2)***

***The Bureau is the executive organ of the Congress, responsible for the preparation of the session of the Congress, the co-ordination of the work of the two chambers, in particular the distribution of topics between the two chambers, the co-ordination of the work of the committees and of the ad hoc working groups. The mandate of the Bureau and its role shall be detailed in the Rules and Procedures. (Article 9)***

1. The Bureau of the Congress is the executive organ of the Congress.
2. The Bureau examines and takes a decision on committee terms of reference and biennial work programmes as well as on the proposals for reports, events or other activities presented to it by the chambers, committees or working groups for approval.
3. The Bureau, on the proposal of the Secretary General of the Congress, may adopt administrative rules, in conformity with the Council of Europe's rules. Rules approved in draft by the Bureau under this provision must be made available to delegates and will come into force at the time of the next meeting of the Bureau unless representations are made to the Bureau by at least five delegates from two national delegations that the rules should not be brought into force. If such representations are made at the latest 7 days prior to the Bureau meeting, the Bureau must reconsider the matter but may then decide to adopt the rules with or without amendment.

### **Rule 20 – 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 VII – ORIENTATION AND DISTRIBUTION OF BUSINESS

### Rule 21 – Division of business between the Congress and chambers

***The Bureau is the executive organ of the Congress, responsible for the preparation of the session of the Congress, the co-ordination of the work of the two chambers, in particular the distribution of topics between the two chambers. [...] (Article 9)***

1. As regards the distribution of questions, no question may be considered in both chambers. Any matter in which both chambers would have an interest shall be considered in the Congress.
2. However, when a question is considered by the Bureau of the Congress as falling exclusively within the competence of a chamber:
  - a. the recommendations and opinions relating to such questions which are addressed to the Committee of Ministers, and/or to the Parliamentary Assembly shall be adopted either by the Congress or by the Statutory Forum between sessions, but without any consideration of the substance of the matter. In exceptional cases, the Bureau of the Congress may authorise the other chamber to formulate an opinion on these draft texts;
  - b. the resolutions relating to the question and which are addressed to the authorities that the chamber represents shall be adopted either by the Congress or by the Statutory Forum between sessions, without consideration of the substance of the matter.
3. Where the Bureau of the Congress considers that, although a matter falls exclusively within the competence of a chamber, the opinion of the other chamber is required on that matter, it may request the bureau of that chamber to appoint a delegate to follow the work of the competent chamber and to prepare a draft opinion which he or she must then submit to his or her chamber for adoption. If any such opinion is adopted by a chamber, it must be considered by the competent chamber.

## Rule 22 – Distribution of matters to committees and working groups

1. The Bureau of the Congress must consider all:
  - a. requests for an opinion presented by the Committee of Ministers or the Parliamentary Assembly;
  - b. proposals presented by delegates<sup>1</sup> under Rules 27, 106.3 or 107.2;
  - c. proposals (including proposals for reports, events or other activities) presented by a committee or working group; and
  - d. memoranda submitted by delegations with special status<sup>2</sup> or organisations enjoying partner<sup>3</sup> status with the Congress.
2. In each case, it must make one of the following decisions:
  - a. to refer the matter to a committee or working group for preparation of a report;
  - b. to refer the matter to a committee or working group for consultation;
  - c. to refer the matter to a committee or working group for information;
  - d. (in exceptional circumstances) to refer the matter to a working group set up for the purpose;
  - e. to take further action within the scope of its own activities, or
  - f. to take no further action.

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<sup>1</sup> This includes the youth delegates invited to participate as part of the Congress' initiative "rejuvenating politics".

<sup>2</sup> See Chapter XVI.

<sup>3</sup> See Chapter XVII.

## Rules and Procedures

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3. Any reference under Rules 22.2.a and 22.2.d must be accompanied by clear terms of reference.
4. Any reference to a committee lapses either:
  - a. two years and a half after it was made; or
  - b. at the request of the committee by decision of the Bureau of the Congress.

## 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, approves a draft agenda for each session, co-ordinating the chambers' sittings in accordance with Article 9 of the Charter.
2. Any matter within the competence of the Congress may be placed on the draft sessional agenda.
3. The Bureau must indicate in respect of each matter on the draft sessional agenda:
  - a. whether it is to be discussed by a chamber or by the Congress;
  - b. at which sitting it is to be discussed;
  - c. what reports from the Bureau itself, from the committees or the working groups are to be considered in relation to it; and
  - d. whether any text is to be voted upon, or if the matter is for debate only.
4. The draft agenda must be communicated to delegates at least 30 days before the opening of the session.
5. No report (except a report under Rule 6 – verification of credentials), may be included in the agenda unless it has been made available to delegates at least 20 days before the first sitting of the session at which it is to be considered, or unless the Bureau considers in the circumstances that a report deals with a matter of urgency and ought to be included without this deadline being met.
6. Reports under Rules 24.3, 106.2 and 107.1 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.

7. The draft sessional agenda may propose that one or more representatives of any government, of a delegation with special status or of any organisation, regardless of whether it enjoys a partner status with the Congress, or any individual, should attend the whole or part of a sitting either to take part in debate or to reply to questions from delegates.

8. One or more members of a bureau or any 10 delegates belonging to at least four national delegations may propose to the Bureau of the Congress, by means of a written request to the President and not later than three hours before the opening of the final meeting of the Bureau of the Congress before a session, that a matter not contained on the draft sessional agenda needs to be debated urgently. Such a matter is placed on the second or third day of the session unless the Bureau deems it necessary to deliberate on the matter on the first day of the session.

9. The Bureau of the Congress may propose changes to the draft sessional agenda, in particular if it considers (whether following proposals made to it or of its own accord) that a matter needs to be debated urgently, or if it considers that a draft declaration under Rule 26 needs to be considered.

10. The draft sessional agenda, containing any changes proposed by the Bureau of the Congress, must be submitted to the Congress at its first sitting.

11. The Congress may adopt or modify the draft sessional agenda. A two-thirds majority is required to modify a draft sessional agenda.

12. At the end of each sitting, the President must propose the date and time of the next sitting as well as any changes to the published agenda that the Bureau of the Congress considers necessary for the smooth transaction of business. A "sitting agenda" or notice is published for each day of the session.

### **Rule 24 – Tacit adoption procedure**

1. The Congress may decide to adopt a draft text without oral presentation or debate under the tacit adoption procedure.

2. It is for the Bureau of the Congress to decide when preparing the agenda for a session whether to propose that any report presented by a committee or a working group should be considered under the tacit adoption procedure.
3. Notice must be given to all delegates at least 30 days before the opening of the session of any report proposed to be considered under the tacit adoption procedure.
4. At the first sitting of the session concerned, the President announces the report or reports proposed to be considered under the tacit adoption procedure.
5. If 20 delegate(s) from at least four delegations object in writing to the President by midday on the day following the announcement to any draft text contained in such a report being considered under the tacit adoption procedure, the President must propose that the report be debated and voted on at the next possible sitting.
6. Any draft text to which no objection is made is regarded as adopted and must be published as if it had been adopted after debate.
7. At the last sitting of the session, the President gives notice of any texts which have been adopted under the tacit adoption procedure during that session.
8. This procedure shall apply *mutatis mutandis* to the chambers.

#### Rule 25<sup>1</sup> – Matters for debate

***All texts, including those approved by the chambers, shall be formally adopted by the Congress in plenary sitting or by the Statutory Forum. [...] (Article 12.1)***

***Recommendations and opinions of the Congress shall be sent as appropriate to the Committee of Ministers, the Parliamentary Assembly***

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.



***or the relevant member State as well as to European and international organisations and institutions. (Article 12.2)***

***Resolutions addressed to the local and regional authorities as a whole, and other adopted texts which do not entail action by the Committee of Ministers and/or the Parliamentary Assembly, shall be transmitted to them for their information. (Article 12.3)***

Matters for debate include any draft text or any other matter placed on the agenda by the Bureau of the Congress under Rule 23.

### **Rule 26 – Declarations**

1. The Bureau of the Congress may table a draft declaration on any subject within the competence of the Congress.
2. The Bureau may decide:
  - a. to adopt the draft declaration as a Bureau declaration; or
  - b. to include the draft declaration in a draft sessional agenda, for adoption by the Congress or a chamber. This may be done whether or not the notice period under Rule 23.4 has been complied with, provided that at least 24 hours elapse between the time at which the draft declaration is made available and the time at which it is due to be debated.
3. Delegates may present proposals for a draft declaration provided they are in one of the two official languages and are received by the Secretary of the Bureau by the following deadlines:
  - a. 12.00 on the eve of the session, for consideration by the Bureau;
  - b. 12.00 on the first day of the session, for consideration by the three presidents.
4. Draft declarations proposed under Rule 26.3 shall be placed on the last day of the sessional agenda.

5. If a draft declaration is included in a sessional agenda, then:
  - a. amendments may be tabled to the draft declaration by 10.00 on the day before the day on which the debate is scheduled;
  - b. a debate on the draft declaration must be opened by a member of the Bureau on its behalf;
  - c. the draft declaration (and any amendments tabled to it) must be put to the vote; and
  - d. if the draft declaration is adopted, it must be published as a Congress or chamber declaration, as the case may be.

#### **Rule 27 – Proposals for future Congress activities presented by delegates**

1. Prior to, or during, a session of the Congress at least 20 delegates from at least four national delegations, or a political group, may table a proposal, not exceeding 300 words, for future Congress work on any matter within its competence. The template in Appendix II shall be used for this purpose.
2. Members of delegations with special status may add their signature to such a proposal though it will not be taken into account when counting signatories.
3. At the discretion of the Bureau, and subject to provisions it may set out on an *ad hoc* basis at a Bureau meeting no later than the eve of the session, other participants may be allowed to table proposals or add their signature to those already tabled.
4. If the President determines that the proposal is in order, it must be published during the session and is considered to be referred to the Bureau of the Congress for consideration and decision in accordance with Rule 23.1.

### Rule 28 – Memoranda presented by delegates

1. Prior to, or during, a session, memoranda not exceeding 200 words on subjects within the competence of the Congress may be tabled provided they have been signed by at least 20 delegates belonging to at least four national delegations.
2. Any delegate may add his or her signature to a memorandum. Members of delegations with special status may also add their signature though it will not be taken into account when counting signatories. When a signature is added, the memorandum must be published again at the beginning of the next session together with the names of all the delegates who have signed it.
3. At the discretion of the Bureau, and subject to provisions it may set out on an *ad hoc* basis at a Bureau meeting no later than the eve of the session, other participants may be allowed to table memoranda or add their signature to those already tabled.
4. Memoranda judged by the President of the Congress to be in order must be published.
5. No proceedings arise as the result of a memorandum.

### Rule 29<sup>1</sup> – Matters for vote

Voting takes place only on a draft text or where otherwise provided under these Rules.

### Rule 30 – Speaking arrangements

1. Representatives and substitutes duly mandated according to Rule 5.1 wishing to speak in debate must enter their names on the speakers' list either before the opening of the sitting or in the course of the sitting. The president may, in the interest of the debate, depart from the order in which names have been entered.

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

2. Those wishing to speak may only do so if called upon by the president to take the floor. They must speak from their places.
3. The president of a chamber may, if need be, authorise a member from the other chamber to speak in the interest of the debate.
4. A speaker may not be interrupted, except on a point of order. However, he or she may, with the permission of the president, give way during his or her speech to allow another person with the right to speak in that debate to put a question to him or her.
5. The order of deliberations in the debate on a draft text is: presentation by the rapporteur or co-rapporteurs, opening of the debate to the floor, reply of rapporteur or co-rapporteurs to the debate, possible reply by the chair of the relevant committee, closure of the debate (and vote on amendments, if any, followed by vote on the text, possibly amended).
6. Speaking time is limited as follows:
  - a. single rapporteurs presenting reports: 10 minutes;
  - b. co-rapporteurs presenting reports: 6 minutes each;
  - c. single rapporteurs replying to debates: 5 minutes;
  - d. co-rapporteurs replying to debates: 3 minutes each;
  - e. chairs of committees replying to debates (at their request): 3 minutes;
  - f. other speakers (except on personal statements; on setting the agenda; on any procedural question or on amendments): 3 minutes;
  - g. speakers on personal statements; on setting the agenda; on any procedural question or on amendments or sub-amendments: 1 minute.

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 give priority to those speakers speaking on behalf of their national delegation (in particular for those delegations whose members have not yet taken the floor) or their political group.

***Representatives of the Committee of Ministers and the Parliamentary Assembly may participate in the sessions of the Congress and its chambers and in the Statutory Forum as defined in the Congress' Rules and Procedures. (Article 13)***

8. When the Committee of Ministers or the Parliamentary Assembly has requested an opinion from the Congress, persons speaking on behalf of those bodies have the right to speak in any debate on that request.

### Rule 31 – Voting arrangements

***The [...] Rules and Procedures [...] shall provide for [...] the organisation of [...] voting; (Article 14.b)***

1. The right to vote is an individual one, linked to membership of a chamber.<sup>1</sup> Voting by proxy is not permitted.
2. Representatives or substitutes duly mandated according to Rule 5.1 may vote in the affirmative, or in the negative, or abstain. Only affirmative and negative votes count in calculating the number of votes cast. Votes are decided by electronic voting or, if this is not possible:
  - a. by show of hands;
  - b. by standing, if, in the opinion of the president, the result of the show of hands is doubtful; or

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<sup>1</sup> Except where Rule 5.6 applies.

- 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).
3. The president is responsible for organising the counting of votes when electronic voting is not used.
4. Voting by roll-call begins five minutes after warning bells have been rung. The roll is called in alphabetical order beginning with the name of a representative or a substitute duly mandated according to Rule 5.1 drawn by lot by the president. The names of those voting in a valid roll-call vote must be recorded in the minutes of the sitting.
5. Voting in elections takes place by secret ballot or may be held electronically.

#### Rule 32<sup>1</sup> – Majorities required

***[...] Recommendations and opinions shall be adopted by a majority of two-thirds of the votes cast. Resolutions and other texts shall be adopted by simple majority. (Article 12.1)***

1. In addition to the requirements under Article 12.1 of the Charter, decisions to:
  - a. modify the draft agenda under Rule 24;
  - b. withdraw or suspend a delegation's special guest status under Rule 71; or
  - c. set up a committee under Rule 44

must be adopted by a majority of two-thirds of the votes cast.

2. Other decisions (except in respect of elections to which Rule 14 applies) are adopted by a majority of the votes cast and therefore a tied vote is decided in the negative.

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

### Rule 33<sup>1</sup> – 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.
2. A vote which is not valid owing to the lack of quorum must be held again at a time to be determined by the President.
3. Rule 33.2 does not apply to a vote on a procedural motion under Rule 35. A vote on such a motion which is not valid is to be regarded as decided in the negative.

### Rule 34<sup>2</sup> – Amendments and sub-amendments

1. An amendment to a draft text under consideration may be tabled and signed by:
  - a. five delegates from at least two national delegations for texts debated in plenary sittings or five delegates from at least two national delegations sitting in a chamber for texts debated in that chamber;
  - b. a rapporteur in respect of his or her text, provided that in the case of reports presented by two co-rapporteurs, both co-rapporteurs are in agreement and sign the amendment.
2. Each amendment must specify which of the five signatories will submit it. He or she must be a representative or a duly mandated substitute.
3. Amendments may be tabled, in one of the Congress' two official languages (English and French) or its working languages only to draft texts and not to explanatory memoranda. The Secretariat must make them

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

<sup>2</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

available, in English and French, as soon as possible if they are in order in accordance with Rule 34.10.

4. An amendment must relate directly to the draft text which it seeks to amend.

5. Amendments must be tabled by 10.00, 7 days before the day on which the debate on the text to which they refer is scheduled.

6. Rapporteur amendments must be tabled by 10.00, 2 days before the day on which the debate on the text to which they refer is scheduled.

7. Rule 34.5 does not apply to amendments tabled under Rule 34.6 (rapporteurs' amendments) nor to amendments tabled to declarations under Rule 26 or those tabled to texts dealing with a matter of urgency in accordance with Rule 23.5.

8. Sub-amendments to previously tabled amendments must be tabled by 10.00, 4 days before the day on which the debate on the text to which they refer is scheduled.

9. A sub-amendment must relate directly to the amendment but must not contradict its sense. A sub-amendment may not be further amended.

10. The President is to decide whether an amendment or a sub-amendment is in order.

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.

12. Sub-amendments must be debated and put to the vote before the amendment to which they refer.

13. Amendments must be considered in the order in which they relate to the draft text, but the President may decide that amendments may be grouped for consideration together if it appears to him or her that this will



aid debate. Where amendments are grouped, the President may decide that not all amendments in the group shall be voted upon.

14. If two or more contradictory amendments relate to the same paragraph, the amendment which differs most from the draft text has priority over the others and is placed chronologically first in the text and is put first to the vote. If it is agreed to, the other amendments are regarded as having been thereby rejected; if it is rejected, the amendment which, according to the same principle, is next in priority is put to the vote, and similarly for each of the remaining amendments. It is for the President to decide the order in which such amendments are to be taken.

15. The same procedure is to be followed if two or more contradictory sub-amendments relate to the same amendment.

16. During examination of an amendment or sub-amendment, unless the President decides otherwise, only the following may speak: one of the authors of the amendment or sub-amendment, one speaker against and the rapporteur and the chair of the committee or working group concerned.

17. When an amendment or sub-amendment is called, one of its signatories is called to move it. If none of the signatories moves the amendment or sub-amendment, any representative (or duly mandated substitute) in the plenary sittings, or any member of a chamber (in that chamber) may do so. An amendment or sub-amendment that is not moved, falls.

18. An amendment or sub-amendment which has been withdrawn by its signatories may be moved by any other representative (or duly mandated substitute) in the plenary sittings, or any member of a chamber (in that chamber).

### Rule 35 – Procedural motions

1. A representative or a substitute duly mandated according to Rule 5.1 has a prior right to speak if he or she moves:

a. the deferment of the debate until one or more conditions have been fulfilled (but unless the president decides otherwise, this

motion is only admissible if notified in writing at least one hour before the opening of the debate);

- b. the adjournment of a debate;
  - c. the closure of a debate;
  - d. the closure of the list of speakers; or
  - e. reference back to a committee or working group.
2. None of these procedural motions may be moved more than once during a debate.
  3. A procedural motion takes precedence over the main question, the discussion of which must be suspended.
  4. In debate on a procedural motion only the following may speak: the proposer of the motion, one speaker against the motion and the rapporteur and the chair of the committee or working group concerned.
  5. The president shall decide whether voting on a procedural motion is done electronically or by standing up.

### **Rule 36 – Order in proceedings**

1. A representative or a substitute duly mandated according to Rule 5.1 has a prior right to speak if he or she raises a point of order. A point of order must be confined to a question of procedure seeking a ruling from the President.
2. Where points of order are misused, the President may decide that the person concerned may not speak during the remainder of that debate.
3. The President must call to order any speaker who deviates from the subject of debate. If the president calls a speaker to order under this rule three times during any debate, then the president may decide that the person concerned may not speak during the remainder of that debate.

### Rule 37 – Public nature of debate and minutes of proceedings

***Sessions of the Congress and its chambers and of the Statutory Forum shall be public. (Article 8.2)***

The minutes of proceedings of each sitting must be made available and submitted to the next sitting of the Congress or a chamber, as appropriate, for adoption. Any delegate who participated in the meeting may challenge the accuracy of the minutes of proceedings and may require a vote on the changes requested.

### Rule 38<sup>1</sup> – Public order

1. The president must call to order speakers whom he or she considers to be abusing<sup>2</sup> speaking time. If the persons concerned do not follow his or her instructions the president may decide to withdraw their right to speak for a time to be specified on a case by case basis by the president or else for the remainder of the debate, in accordance with Rule 36.3.
2. Upon request of the president, any person disrupting the debate is to be removed by the ushers.

### Rule 39<sup>3</sup> – Secret ballots

1. Any representative who is a candidate for any post shall address the body electing to that post for no longer than three minutes in order to present his or her candidacy. No questions may be asked.
2. When a secret ballot takes place, no delegate or other person may canvass or solicit votes, or otherwise seek to influence the outcome of the ballot within 10 metres of the room where the ballot is held.

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

<sup>2</sup> Abuse includes use of insulting language, discourse incompatible with Council of Europe values, threatening or improper behaviour or dress code.

<sup>3</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

## 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 have been announced.<sup>1</sup>
2. At the beginning of each renewal session it is the oldest representative present who acts as provisional President and discharges the presidential duties until the new President is elected. If it is not possible to elect a new President, the Congress must proceed as soon as technically possible with the election of the president of the chamber of the outgoing President, who will be the 1<sup>st</sup> Vice-President of the Congress. In this situation the oldest representative shall continue to act as provisional President until the election of the 1<sup>st</sup> Vice-President and Rule 40.4 shall not apply. Once elected, the 1<sup>st</sup> Vice-President shall discharge the duties of President until the election of a new President.<sup>2</sup>
3. In accordance with Rule 40.1, when a president of a chamber is to be elected at a non-renewal session the outgoing president presides until the election of the new president unless the outgoing president has been elected President of the Congress, in which case it is the outgoing 1<sup>st</sup> Vice-President of that chamber who acts as provisional president. At a renewal session the oldest representative present acts as provisional president.
4. No vote may take place while a provisional president is in the chair unless it concerns the examination of credentials or the election of the President of the Congress or of the chambers.
5. A provisional president must leave the chair as soon as the results have been announced and the newly-elected president is ready to preside.

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<sup>1</sup> 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.

<sup>2</sup> This rule shall apply, *mutatis mutandis*, to all elected posts in the Congress.

## CHAPTER IX – STATUTORY FORUM

### Rule 41 – Constitution of the Statutory Forum

***The Statutory Forum shall be composed of the members of the Bureau and the heads of all national delegations. Chairs of committees and presidents of political groups shall participate, ex officio, in the Statutory Forum without voting rights. [...] (Article 8.6)***

1. Heads of national delegations may be replaced in case of absence from the Statutory Forum by their deputy heads who will have the right to vote. Bureau members may not be replaced.
2. The outgoing President of the Congress, the presidents of the political groups and the chairs of the committees may participate in the meetings of the Statutory Forum, but do not have the right to vote.
3. The chairs of working groups may be invited to participate in the Statutory Forum's meetings in a consultative capacity. The rapporteur of a committee or of a working group may also be invited to attend all or part of a Statutory Forum meeting.

### Rule 42 – Functions, powers and procedures of the Statutory Forum

***The Statutory Forum shall act on behalf of the Congress between sessions. In particular, it shall adopt reports, and organise debates and hearings. (Article 8.5)***

***[...] Representatives and substitutes whose credentials have been approved by the Bureau may act as Congress members with immediate effect. Their credentials shall be ratified by the [...] Statutory Forum between sessions. (Article 7.1)***

***[...] The Statutory Forum shall be convened upon decision of the Bureau. (Article 8.6)***

***[...] meetings of the Statutory Forum [...] shall be presided over by the President of the Congress. (Article 11)***

1. The powers, functions and procedures of the Statutory Forum, except as otherwise provided, are those of the Congress.
2. The President of the Congress chairs the Statutory Forum.
3. The Statutory Forum may hold meetings in a member State after consent by the Bureau of the Congress.
4. When a report is submitted to the Statutory Forum for adoption, all delegates must be informed not less than 20 days before the meeting of the Statutory Forum where the report is to be examined and a copy of the report must be made available to them at the same time. If 20 delegates belonging to at least four national delegations notify objection to the Secretary General of the Congress at least 7 days before the meeting of the Statutory Forum, then the report must be examined at a session of the Congress.
5. The Statutory Forum deals with matters within the responsibility of the Congress and the chambers, and therefore all members of the Statutory Forum are entitled to vote on all draft texts presented to it.

## CHAPTER X – COMMITTEES

***[...] The Congress shall inform the Committee of Ministers of the setting up of any committees. (Article 12.3)***

### Rule 43 – Constitution and role of committees

1. The work of the Congress is carried out by the following committees:
  - a. the Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (to be known as the “Monitoring Committee”);
  - b. the Governance Committee;
  - c. the Current Affairs Committee.
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 work programme of each committee must be adopted by the Bureau.

### Rule 44 – Setting up of other committees

1. The Congress may set up any committee it considers necessary, within the priorities of the Council of Europe and within the limits of its budget. The President of the Congress must inform the Committee of Ministers if any such committee is set up.
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 work programme of these committees must be adopted by the Bureau.

### **Rule 45 – Powers and duties of committees**

1. A committee must examine all matters referred to it under Rule 22.2 and may examine any other matters within its terms of reference. It reports to the Congress or to either chamber.
2. A committee may organise any meetings, conferences or hearings necessary to further its work programme, subject to the approval of the Bureau of the Congress.
3. If a committee wishes to report on a matter, it must first inform the Bureau via a terms of reference document (Rule 55.1), of the content, scope, expected results and objectives of the proposed report and how it will be relevant to Congress priorities established for the time period in question. It must not report on the matter unless the Bureau agrees.
4. Every committee must keep under review:
  - a. texts adopted following its reports;
  - b. the intergovernmental activities of the Council of Europe and the activities of the Parliamentary Assembly committees within its terms of reference; and
  - c. the work of the committees of the Committee of the Regions of the European Union within its terms of reference.
5. The issue must be decided by the Bureau, if:
  - a. a committee considers that a matter is outside its competence; or
  - b. more than one committee considers that a particular matter should be considered by it alone.

### **Rule 46 – Membership of committees**

1. The number of seats in committees and their apportionment by country is agreed and updated by the Bureau of the Congress.



2. 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 by the head or secretary of the national delegation.
3. Where a delegation does not assign representatives to committees, individual representatives of the delegation may ask the President of the Congress for permission to participate as a representative on an *ad hoc* basis in a committee of their choice until such time as their national delegation has distributed its seats on the committees.
4. Each national delegation must assign substitutes to replace the representatives for each committee. The number of substitutes so assigned must be the same as the number of representatives which that delegation appoints to the committee. A substitute in a delegation may be assigned as a substitute 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 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, who must:
  - a. appoint one of the committee's substitutes for the whole of the meeting; and
  - b. immediately inform the committee secretariat.
6. The substitute:
  - a. must come from the same national delegation;
  - b. exercises the same powers as the 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 representatives of a committee may participate in all committee proceedings and have unrestricted voting rights.

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

1. Every committee must elect from among its representatives a chair, as well as a 1st, 2nd, 3rd, 4th and 5th vice-chair.

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

3. Nominations for the elections provided for under Rule 47.1 must be sent to the secretary of the committee not later than 18.00 on the day before the meeting at which the election is to take place.

4. The chair and vice-chairs of a committee remain in office for two and a half years and may be re-elected for a second (but no further) consecutive mandate. The relevant provisions of Rules 15 and 40 apply to chairs and vice-chairs of the committees *mutatis mutandis*.

5. 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.

6. Where there is only one candidate for 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 representatives from at least 4 national delegations or their duly designated 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.

7. Where there is more than one candidate, vote takes place by secret ballot, which may be held 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 obtained 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 several candidates in the final round, lots shall be drawn.

8. A candidate is elected if more than half of the votes cast are in his or her favour. If this is not the case, a new election must be held as soon as possible.

9. As soon as a committee has elected its 1st vice-chair, it must elect its remaining four vice-chairs by secret ballot. An election must take place even if there are fewer than four candidates. A committee member may vote for up to 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 as 4th or 5th vice-chair if four persons of the same gender as that candidate have already been elected as chair or vice-chairs of that committee.

10. Rule 39 applies to ballots for committee posts.

11. Paragraphs 1, 3-4 and 6-8 of Rule 47 apply with such modifications as the Bureau of the Congress thinks appropriate when it is necessary to elect a chair or vice-chair between renewal sessions.

12. No chair or 1st vice-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 as head of delegation for an election observation exercise.

### **Rule 48 – Duties and powers of chairs of committees**

1. The chair and vice-chairs of a committee co-ordinate its work.

2. The chair may take part in a committee's discussions and may vote but does not have a casting vote.

#### **Rule 49 – Time, frequency and nature of meetings**

1. Committees meet at the convocation of their chairs, within the limits of the budgetary resources allocated by the Bureau of the Congress.
2. Committees must meet in Strasbourg or Paris. However, where it considers it appropriate to do so, the Bureau may authorise a committee to meet elsewhere.
3. Committee meetings are public, though the committees may decide, on a case-by-case 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 50 – Attendance at meetings**

1. A delegate who is not a member of a committee may attend a meeting of a committee at his or her own expense. He or she may take the floor only with the authorisation of the chair of the committee but may not vote.
2. A delegate who tabled a proposal under Rule 27 and referred to a committee under Rule 22 and who is not a member of that committee may be invited to take part in a consultative capacity in the committee's work in respect of that proposal but may not vote.
3. Members of delegations with special status<sup>1</sup> and organisations enjoying partner status may attend committee meetings without the right to vote unless the committee decides, in advance, to hold part or all of a meeting *in camera*.

#### **Rule 51 – Agenda of committees**

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<sup>1</sup> This includes the youth delegates invited to participate as part of the Congress' initiative "Rejuvenating politics".

All documents related to items on the agenda of a committee meeting must be made available to members of the committee at least 14 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 present agree.

### **Rule 52 – Voting and quorum**

1. Voting in committee is by electronic voting or by means of a voting card distributed at the beginning of each meeting. If the committee chair so decides, the provisions of Rule 14.11 and Chapter XII shall apply.
2. The quorum of a committee is one sixth of the number of representatives present.
3. All representatives of a committee may vote on all reports to be adopted (plenary and chamber).

### **Rule 53 – Procedure**

1. Procedure in committee must, except where otherwise provided, follow procedure in plenary.
2. All committee meetings and documents are public unless a committee decides otherwise.
3. When the chair of a committee is to be elected at a non-renewal session the outgoing chair presides until 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 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. A committee must appoint a rapporteur (or two co-rapporteurs in the case of monitoring reports) for each report it wishes to bring before the Congress for examination. Rapporteurs and co-rapporteurs for monitoring

reports must be designated in accordance with Rule 84. Co-rapporteurs appointed for thematic reports, where it is necessary to reflect both the local and regional dimensions of the issue, should, as far as possible, be from:

- a. different chambers;
  - b. different national delegations.
2. If a rapporteur is no longer able to act, the committee must appoint a replacement or, if it is unable to do so, the chair of the committee may appoint a replacement himself or herself.
  3. Any representative of a committee, or 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 committee of the appointments at its next meeting.
  4. Upon express derogation by the chair of the committee, a representative who is not a member of the committee may be appointed rapporteur.
  5. Reports are drawn up in one of the two official languages of the Council of Europe, English and French. Rapporteurs must therefore have sufficient fluency in one of those languages to be able to draft in it.
  6. Reports presented for adoption to a chamber may only be presented by rapporteurs who sit in that chamber.
  7. A rapporteur who, in exceptional circumstances, is not available to participate in a committee meeting or a chamber or plenary sitting when his or her report is due to be examined may choose a member of his or her committee to replace him or her.

8. 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.
9. It is the duty of a rapporteur to represent the views of his or her committee as a whole.
10. This rule applies to rapporteurs appointed by a bureau.
11. Concerning election observation missions, electoral assessment missions and reports on transversal issues in electoral matters, rapporteurs must be appointed in accordance with Rule 92.11.

### **Rule 55 – Reports from committees**

1. The terms of reference of all reports to be prepared by a committee, with the exception of reports following election observation, electoral assessment missions or 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, the proposed follow-up after adoption or approval, as well as the timeline and implementation requirements of the report.
3. 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 55.8.
4. The committee debates the entire report and members may suggest changes to the preliminary draft texts and the draft explanatory memorandum. It is the duty of the chair of the committee and rapporteur to ensure that each part of the report best represents the consensus view of the committee. Each part of the report (preliminary draft resolution, preliminary draft recommendation and draft explanatory report) is voted on individually.

5. The committee may take a decision by written procedure (e-mail) if the matter under consideration (such as an election observation report) cannot wait for the next committee meeting. In this case, lack of response by the deadline set by the chair is considered tacit agreement.

6. Where urgent decisions are required in between committee meetings the chair of the committee may take them on behalf of the committee.

7. A committee member may require a statement of dissent to be appended to a report.

8. Committees may present information or interim reports which do not contain a draft text for the attention of the Congress or a chamber.

9. If important new developments occur after a report has been approved in committee, the explanatory memorandum and draft texts may be revised (at the latest 15 days before the start of the session at which they are to be adopted) to reflect these developments, with the agreement of the rapporteurs and the committee chair. However, in no other cases may reports be modified after their approval in committee, other than through the use of the amendment procedure in session or in accordance with Rule 55.10.

10. If, following adoption of amendments during the session debate, changes are made to the draft texts which require adaptation of the explanatory memorandum, it must be clearly indicated that this is the version revised in conformity with the adopted texts under the responsibility of the rapporteur(s).

11. A rapporteur, or in his or her absence the chair of the committee, should, as far as possible, inform the relevant committee of follow-up given to the report.

### **Rule 56 – Common positions**

1. A committee may agree a common position on any matter within its terms of reference.



2. A common position must be agreed by a majority of committee members present at the meeting.
3. If the committee wishes the matter to be taken forward, it may submit the common position for consideration by the Bureau of the Congress. The Bureau may decide that the common position should be included in a draft sessional agenda, whether or not the notice period under Rule 23.4 has been complied with, provided that there are at least 24 hours between the time at which the common position was available and the time at which it is due to be debated.
4. It is for the Bureau, or for the three presidents as provided for under Rule 18.6, 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.
5. If a common position is included in a sessional agenda as a draft declaration, then Rule 26.5 is applicable *mutatis mutandis*.

## CHAPTER XI – WORKING GROUPS

***[...] In addition to its statutory organs, the Bureau, the Statutory Forum and its committees, it may set up those ad hoc working groups which are necessary to perform its tasks. (Article 3)***

### Rule 57 – Setting up of working groups

1. When a question falls within the competence of the two chambers, the Bureau of the Congress may, in exceptional cases, set up an ad hoc working group common to both chambers.

2. After the distribution of questions between the two chambers and the committees in accordance with Article 9 of the Charter, the bureau of the chamber competent to deal with a question may, in exceptional cases, set up an ad hoc working group with a limited number of members empowered with specific terms of reference (preparation of reports, organisation of conferences, follow-up to co-operation projects or to specific intergovernmental activities of the Council of Europe).

### Rule 58 – Terms of reference and time-limit

A working group:

- a. is appointed with particular terms of reference set by the bureau which has set it up;
- b. is to have as few members as are necessary to discharge its responsibilities;
- c. is appointed for a limited time;
- d. must keep the appropriate bureau informed at regular intervals of its progress in discharging its terms of reference; and
- e. ceases to exist either when the terms of reference have been fulfilled or upon decision by the appropriate bureau.

### **Rule 59 – Applicability of committee rules**

Rules 46 to 55, which apply to committees, also apply to working groups. However, a working group does not elect vice-chairs; in the absence of its chair, it may appoint another member of the working group to chair it for that meeting.

## CHAPTER XII – ORGANISATION OF SESSIONS AND MEETINGS IN EXCEPTIONAL CIRCUMSTANCES<sup>1</sup>

### Rule 6o – Remote or hybrid sessions

1. In exceptional circumstances when a normal session cannot be organised, the President may, with the approval of the Congress Bureau, convene a session to be held by means of remote telecommunication systems or in a hybrid manner (combined remote and in-person participation of members).
2. The dates, times, length and running order of the sessions may be adjusted to take account of organisational, technical or sanitary constraints and shall be notified to members at least 45 days before the opening of the session. The procedure for voting and for tabling of amendments shall also be specified at this time.
3. The draft agenda and relevant documents shall be made available by the usual deadlines provided for by Rule 23.
4. Speaking times for delegates shall be as set out in Rule 30.
5. The method for voting on texts<sup>2</sup> and tabling amendments shall be as provided for under Rules 29 and 34 unless decided otherwise by the Bureau of the Congress.
6. Proposals for future activities in accordance with Rule 27 and memoranda in accordance with Rule 28 are published if considered to be in order by the President and if received no later than 10 days before the opening of the session.
7. The Bureau shall decide upon the method for holding elections scheduled for such sessions, in accordance with Rule 14.

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<sup>1</sup> These circumstances shall be decided upon on an *ad hoc* basis by the Bureau, and may include large-scale sanitary crises, environmental disasters or acts of terrorism with a pan-European dimension.

<sup>2</sup> Including declarations covered by Rule 26

8. The session will be live streamed as for an in-person session.

#### **Rule 61 – Remote or hybrid Bureau meetings**

1. In exceptional circumstances (see Rule 60), the President may convene a Bureau meeting to be held by means of remote telecommunication systems or as a hybrid Bureau meeting (combined remote and in-person participation of members).
2. The relevant meeting documents will be made available as provided in these rules for in-person Bureau meetings.

#### **Rule 62 – Remote or hybrid committee meetings**

1. In exceptional circumstances (see Rule 60), the chair of a committee may convene a committee meeting by means of remote telecommunication systems or as a hybrid committee meeting (combined remote and in-person participation of members).
2. The relevant meeting documents will be made available as provided in these rules for in-person committee meetings.

## CHAPTER XIII – CONGRESS THEMATIC SPOKESPERSONS

### Rule 63 – Appointment and role

1. A committee or a bureau may propose a representative as a thematic spokesperson with responsibility for a particular issue relating to the Congress's priorities. Such a proposal, in the form of terms of reference, if not made by it, is subject to the approval of the Bureau of the Congress.
2. Bureau members may not be thematic spokespersons.
3. Any appointment must be for a specific period and must include a duty to report back to the body which has appointed the spokesperson.
4. A spokesperson presents the Congress thematic position at meetings organised by the Council of Europe as well as at external events.
5. A spokesperson must speak one of the two official languages of the Council of Europe (English or French) fluently.

## CHAPTER XIV – DUTIES AND OBLIGATIONS OF THE MEMBERS OF THE CONGRESS, BREACHES THEREOF, DISCIPLINARY PROCEDURE AND SANCTIONS<sup>1</sup>

*The Congress adopts, in compliance with the provisions set out in the Charter, its own Rules and Procedures which shall provide for [...] a code of conduct defining the ethical behaviour and respect of the values and standards of the Council of Europe expected of its members as well as procedures to respond to non-compliance. The Secretary General of the Congress shall ensure that members are aware of the code of conduct. (Article 14.c)*

### Rule 64 – Duties and obligations of the members of the Congress

1. In the exercise of their duties, the members of the Congress shall undertake to comply with the principles and rules set out in the Code of Conduct for members of the Congress appended to these Rules and Procedures.
2. Members of the Congress shall uphold the goals and principles of the Council of Europe as enshrined in the Statute of the Council of Europe and in particular those in Article 1.a and Article 3.
3. In exercising their duties as members of the Congress, members of the Congress shall:
  - a. carry out their duties responsibly, with integrity honesty and impartiality;
  - b. neither seek nor accept instructions from any person, group or institution other than the Congress;
  - c. neither seek nor accept any reward, payment other than defrayal of expenses, or distinction in connection with the exercise of their duties;

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<sup>1</sup> This rule complements the conduct to be respected by the members of the Congress during a monitoring mission (Chapter XVIII) and/or an election observation mission (Chapter XIX).

- d. refrain from any act that may incur a conflict of interest, adversely affect their neutrality or be seen to do so and declare any relevant interests which may affect their neutrality;
- e. act solely in the interests of the Congress and the Council of Europe and not serve private interests;
- f. use resources made available to them responsibly and in the interests of the Congress and the Council of Europe;
- g. use information with discretion, and not make personal use of information acquired confidentially in the course of their duties;
- h. inform the President of the Congress of any pressure brought to bear against them or against any other Congress member.

#### **Rule 65 – Gifts and other advantages**

1. Under no circumstances shall a member request or accept from a State, an institution, or a natural or legal person any advantage, direct or indirect, offer of fees, gift, favour, invitation or excessive act of hospitality, which would be likely to influence the position of the member in the performance of their duty as a member of the Congress.
2. A member may, exceptionally, accept a gift or advantage only if refusing it would be considered contrary to the good practice in the relevant cultural context.
3. All gifts accepted in accordance with Rule 65.2, with a value of 100 euros or more shall be handed in to the Secretariat of the Congress which will ensure that they are promptly entered into the Council of Europe Gift Register.



### **Rule 66 – Allegations of breaches of the duties and obligations of the members of the Congress**

1. Allegations of misconduct or breaches of the duties and obligations provided in Rule 64 by members of the Congress or of the Code of Conduct appended to the Rules and Procedures should be submitted to the Secretary General of the Congress directly or using the online form together with the necessary documentary evidence. Such information shall be treated confidentially.
2. The Secretary General will bring such allegations immediately to the attention of the Bureau which will consider the matter as soon as possible in accordance with the procedure set out in Rule 67.
3. In case of urgency, the President of the Congress, in consultation with the presidents of the chambers, may consider the matter in accordance with the procedure set out in Rule 67 and report to the bureau at its next meeting.

### **Rule 67 – Disciplinary procedure**

1. The Bureau shall examine the allegation and evidence as soon as possible after the alleged breach has been brought to its attention.
2. The case including the evidence shall be presented by the Secretary General of the Congress.
3. The Bureau will inform the member of the Congress concerned of the procedure underway and give the member the possibility to reply to the allegation and request to appear before the Bureau in writing within 4 weeks.
4. The Bureau will then examine the case and may invite the member to appear before it. If the member of the Congress has not responded to the invitation within the space of 4 weeks, the case shall nevertheless be examined. The member may request an interview with the Bureau.
5. Following due process, the Bureau will deliberate and decide by secret ballot by a simple majority of the votes cast whether there was or not

a breach of the duties and obligations provided in Rule 64; the member of the Congress concerned cannot be present during Bureau deliberations or voting.

6. Where the Bureau decides that there was a breach of the duties and obligations provided in Rule 64 it will decide upon a sanction in accordance with Rule 68.

7. The decision of the Bureau will have immediate effect except in cases of termination of a mandate where the provisions of Rule 69.3 apply. The decision shall be published as an official document within the following working day and be forwarded to the member concerned.

8. In the case of voluntary resignation from the Congress or an appointed position within the Congress of the member concerned, the Bureau shall determine, in view of the nature of the allegations, whether the procedure should be terminated.

### **Rule 68 – Sanctions**

1. Sanctions may range from temporary to permanent withdrawal of all or part of a delegate's prerogatives as Congress member or holder of an elected office or appointed position.

2. Temporary sanctions consist in the deprivation of one or several of the following rights:

- to speak in committee/in session/in the Bureau;
- to table or sign an amendment, a proposal (Rule 27) or a memorandum (Rule 28);
- to be appointed rapporteur or Congress spokesperson;
- to be appointed member of a monitoring or election observation delegation;
- to stand as a candidate for President of the Congress or president or vice-president of a chamber or for chair or vice-chair of a committee;
- to represent the Congress or any of its committees;
- to participate in one or more sessions of the current Congress mandate.

The Bureau shall determine the duration of the temporary sanction.

3. Permanent sanctions are the following:
  - withdrawal from a monitoring, fact-finding or election observation mission concerned by infringement of the Code of Conduct;
  - contribution and name of the person concerned struck from a report prepared after the monitoring, fact-finding or election observation mission concerned;
  - barring from future participation in any missions of a similar nature as rapporteur or member of the delegation;
  - withdrawal of a delegate's specific rapporteurship or spokesperson status;
  - loss of elected office or appointed position within the Congress;
  - termination of a member's Congress mandate;
  - loss of the status of honorary member.
  
4. The decision to terminate a member of the Congress' current mandate shall be presented to the Congress in the form of a draft resolution not subject to amendment.

**Rule 69 – Special measures concerning termination of the mandate of the Congress, and chamber presidents and vice-presidents and committee chairs and vice-chairs**

1. If the decision to terminate the current mandate of a member of the Congress concerns the President of the Congress, the President of a chamber or the chair of a committee, the person concerned shall neither attend nor chair any meetings of that body until the disciplinary procedure is completed and the draft resolution provided for in Rule 68.4 has been voted on. The provisions of Rule 16.7 shall apply in the interim.
  
2. If the decision to terminate the current mandate of a member of the Congress concerns the vice-president of a chamber, the person concerned shall not attend any bureau meetings nor replace the President of the Congress or of a chamber until the disciplinary procedure is completed and the draft resolution provided for in Rule 68.4 has been voted.

3. A president of the Congress who has been dismissed or who has resigned as a result of a disciplinary procedure shall not be granted the title of outgoing President of the Congress.

## CHAPTER XV – RELATIONS WITH ASSOCIATIONS CONTRIBUTING TO THE COMPOSITION OF NATIONAL DELEGATIONS

***Representatives and substitutes to the Congress shall be appointed by an official procedure specific to each member State. This procedure shall provide for consultation in each member State of the relevant associations and/or institutional bodies representing local and regional authorities and shall specify the principles to be adhered to in apportioning delegates to the two chambers. [...] (Article 6.2)***

***The Congress confirms the Bureau's mission of organising a wide consultation of delegations and national associations with a view to the adoption of its priorities. (Article 16.7)***

### Rule 70 – Role and participation of national associations

National associations which are involved in the process of appointing national delegations are the natural partners of the Congress in the member countries and, as such, their representatives are:

- a. invited to participate in the sessions and the Statutory Forum, at their own expense;
- b. involved in the preparation and carrying out of monitoring activities and election observation in their respective countries;
- c. regularly invited to attend assizes or assemblies, especially in the context of the preparation of the priorities of the Congress for each 5-year mandate;
- d. consulted on proposals concerning significant modifications in the statutory texts of the Congress.

## CHAPTER XVI – SPECIAL STATUS

***The [...] Rules and Procedures [...] shall provide for [...] the forms and conditions of participation in the Congress' work and in that of its chambers and other bodies [...] (Article 14.b)***

### Rule 71 – 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.
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. The formal request must:
  - a. contain an explicit reference to the aspirations 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 of 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.
3. If the Bureau deems the application admissible, it shall be presented, in the form of a draft resolution, accompanied by an explanatory memorandum, to the Congress for adoption at the following session.

4. With regard to the composition of a special guest delegation:
  - 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 5 of the Charter;
  - c. it respects, as far as possible, the principles laid down in the Charter and the Congress' 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 elects a head of delegation and must ensure the support of a secretary or secretaries who are independent from all national government or agency authority for the purposes of this work and who preferably have ties with one of the associations of local and/or regional authorities entitled to be consulted with regard to the composition of national delegations. The appointment of the secretary or secretaries of delegation must be notified, in writing, to the Secretary General of the Congress by the head of delegation;
  - e. information on the composition and appointment of the delegation must be updated in accordance with the relevant procedures, and at least 15 days prior to each renewal session of the national delegations to the Congress.

5. The terms and conditions of participation of special guest delegations are:
  - a. members can sit in all sessions of the Congress or of its chambers and in meetings of the Statutory Forum, without the right to vote. They may speak subject to the president's consent. They may not file amendments, but may sign proposals as well as memoranda, although their names shall not be included in the count of the number of signatures required. They may, at their own expense, submit documents relating to the various items on the Congress agenda;
  - b. members may participate in all committee meetings without the right to vote. They may be accompanied by one advisor each, as well as by the secretary of delegation. They may speak subject to the chair of the committee's consent and may make proposals concerning the agenda.
6. Members of these delegations may participate in meetings of political groups at the discretion of the groups themselves and according to the conditions established by the groups.
7. Special guest status may be suspended or withdrawn at any time by the Congress, acting on a request by 20 delegates belonging to at least four national delegations, by a majority of two thirds of the votes cast.

### **Rule 72 – Partner for Local Democracy status**

1. The Congress may grant Partner for Local Democracy status to delegations from non-member States of the Council of Europe in neighbouring regions<sup>1</sup> which meet the conditions set out in the present rule.
2. Only one such status may be attributed per state.
3. A formal request to be granted Partner for Local Democracy status must be addressed to the President of the Congress and must be drawn up

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<sup>1</sup>The southern coast of the Mediterranean, the Middle-East and Central Asia.



jointly by the government of the requesting state and one or more associations of local and/or regional elected representatives in that state.

4. The formal request shall contain an explicit reference to the aspirations 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:

- a. initiate a process of devolution and/or regionalisation, based on the principles of the European Charter of Local Self-Government and/or the Council of Europe Reference Framework for Regional Democracy;
- b. hold regular free and fair elections at local and/or regional level in accordance with the relevant international standards and, as far as possible, observed by a delegation of elected members of the Congress;
- 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;
- d. inform the Congress Secretary General, on a regular basis, of the progress made in the field of decentralisation.

5. Each request must be accompanied by details of the procedure specific to each country, stipulating the arrangements for consulting associations of local and/or regional associations in the process of appointing members of the delegation.

6. The Bureau of the Congress will examine the request. It may consult with any of the committees that it considers pertinent and decide whether to attribute the status. During this examination, the Bureau may take several elements into consideration:

- a. participation in the Council of Europe's neighbourhood policy;
- b. implementation of joint action or of a co-operation programme with the Council of Europe;

- c. ratification of the Council of Europe's open conventions or enlarged partial agreements (in particular the Venice Commission and the North-South Centre);
  - d. holding of the Partner for Democracy status with the Parliamentary Assembly.
7. If the Bureau decides to grant the status, it will submit its decision, in the form of a draft resolution, with an accompanying explanatory memorandum, to the Congress for vote.
8. With regard to the composition of each Partner for Local Democracy delegation:
- a. this shall respect, as far as possible, the principles laid down in the Charter and the Congress's Rules and Procedures, in particular with regard to Article 2. Delegations should therefore reflect, as far as possible, an equitable geographic and political representation, and all attempts should be made to fulfil the gender provisions of Article 2, ensuring that at least one representative of the under-represented sex is included among the representatives and one among the substitutes;
  - b. the number of members will be laid down by the Bureau of the Congress on a case-by-case basis;
  - c. it shall consist of representatives and substitutes holding a local or regional electoral mandate in accordance with the provisions of Article 5 of the Charter;
  - d. it shall elect a head of delegation among its representatives and must ensure the support of a secretary or secretaries who are independent from all national government or agency authority for the purposes of this work and who preferably have ties with one of the associations of local and/or regional authorities entitled to be consulted with regard to the composition of national delegations. The appointment of the secretary or secretaries of delegation must be notified, in writing, to the Secretary General of the Congress by the head of delegation;

- e. information on its composition and nomination shall be updated as required in accordance with the relevant procedures, and at the latest 15 days prior to each renewal session of national delegations to the Congress.
  
- 9. The forms and conditions of participation of delegations with Partner for Local Democracy status in the work of the Congress and of its chambers and committees 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. 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 may speak with the authorisation of the committee chair and may make proposals concerning the draft agenda;
  - c. travel and subsistence costs arising from the participation of the delegation will not be charged to the Congress's ordinary budget.
  
- 10. Members of these delegations may participate in meetings of political groups according to the conditions established by the groups.
  
- 11. The decision to grant, suspend or withdraw Partner for Local Democracy status shall be taken by the Congress, on the basis of a draft resolution submitted by the Bureau of the Congress together with, if appropriate, the opinion of one or more committees to which the Bureau may wish to refer the matter.

## CHAPTER XVII – OTHER TYPES OF PARTNERSHIP<sup>1</sup>

### Rule 73 – Admissibility of requests for partnership status

1. Any organisation requesting one of the partnership status described in this chapter must:
  - a. adhere to the values, principles and objectives of the Council of Europe;
  - b. have expertise in the areas of local and/or regional authorities;
  - c. be composed of elected members of European local and regional authorities.
2. Such an organisation must commit itself to:
  - a. promoting the values of the Congress and the Council of Europe;
  - b. participating in Congress activities and events.

### Rule 74 – Granting, renewing, suspending or withdrawing partnership status

1. International associations of local and regional authorities that meet the criteria of Rule 73 may ask to become a Statutory Partner, Institutional Partner or Observer Partner to the Congress or to one of its chambers.
2. 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.
3. The request for partnership status should be addressed to the Secretary General of the Congress who, if he judges the application to be admissible, shall forward it to the appropriate bureau.

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<sup>1</sup> Rules 73, 74 and 75 apply to all three types of partnership status.

4. The Bureau of the Congress or the bureau of the relevant chamber shall decide on the application on the basis of the conditions set out in Rule 73 and specific criteria detailed in the rules governing the different types of partnership status.
5. The status takes effect on the date of the decision of the bureau concerned.
6. The decision to renew, suspend or withdraw partnership status shall be taken by the bureau concerned.

### **Rule 75 – Terms and conditions of participation**

1. Each partner is represented by two elected representatives who may sit in sessions of Congress or of its chambers, including the meetings of the Statutory Forum, without the right to vote. Each representative may be accompanied by one adviser. Representatives may speak subject to the consent of the President. They may, at their own expense, submit documents concerning the various points of the Congress' agenda.
2. The costs of travel and subsistence related to the participation of the delegation are not covered by the Council of Europe.

### **Rule 76 – Statutory Partners**

1. A Statutory Partner must meet the requirements set out in Rule 73 and also:
  - a. carry out activities of a pan-European dimension;
  - b. be widely recognised as representing a significant number of local and /or regional authorities across Europe;
2. In addition to the terms and conditions of participation set out in Rule 75, Statutory Partners may also:
  - a. send members or high-level representatives to attend meetings of the Congress Bureau and the chamber bureaux, except when items

on the agenda are deemed confidential, with a right to speak subject to the President's consent, on the condition that they offer the Congress the same status in their executive bodies;

- b. attend committee meetings without the right to vote, speak subject to the consent of the chair of the committee and make proposals concerning the agenda.

### **Rule 77 – Institutional Partners**

1. An Institutional Partner must meet the requirements set out in Rule 73 and also:

- a. carry out activities in favour of local and/or regional authorities, even if these are limited to a particular sphere of competence;
- b. represent local and/or regional authorities from, or based in, at least 5 member States.

2. In addition to the terms and conditions of participation set out in Rule 75, Institutional Partners may also attend committee meetings without the right to vote, speak subject to the consent of the chair of the committee and make proposals concerning the agenda.

### **Rule 78 – Observer Partners**

An Observer Partner need only meet the requirements set out in Rule 73.

### **Rule 79 – 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 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 76-78. 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.

2. The conditions for granting, renewing, suspending or withdrawing this “guest observer” status as well as their terms of participation shall be determined by the Bureau.

### **Rule 80 – Consultation and co-operation with statutory bodies and other institutions of the Council of Europe**

1. Statutory bodies of Council of Europe partial agreements may be invited to appoint their representatives to participate in proceedings in an advisory capacity.

2. In his or her capacity as head of the representative body of civil society in the Council of Europe, the President of the Conference of International Non-governmental Organisations (INGOs) or his or her representative may speak during sessions of the Congress and its chambers and may also be invited to participate in Congress committee meetings.

3. Non-governmental organisations enjoying participatory status with the Council of Europe may participate in Congress activities and be consulted on an ad hoc basis.

### **Rule 81 – Consultation and co-operation with other organisations**

The Congress and its chambers may, on the proposal of the relevant bureau decide to conclude specific co-operation agreements with organisations or institutions working in areas related to the Congress’ activities or representing local and/or regional authorities of the member States of the Council of Europe.

## CHAPTER XVIII – ORGANISATION OF THE MONITORING PROCEDURES OF THE CONGRESS

### Rule 82 – General provisions

1. The rules under this chapter 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).
2. This procedure applies in the same way whatever type of monitoring is being implemented, that is, systematic monitoring (monitoring of the implementation of the Charter in its entirety), specific monitoring (monitoring of the implementation of particular provisions of the Charter) and fact-finding missions (clarification of a specific issue which may lead to infringement of a Charter provision).
3. The Monitoring Committee shall submit to the Bureau of the Congress for adoption its work programme containing, in particular, the timetable of visits to monitor the application of the Charter.

### Rule 83 – The monitoring procedure

1. The monitoring procedure shall be carried out approximately every five years in each Council of Europe member State which have signed and ratified the European Charter of Local Self-Government. It shall comprise five phases:
  - a. the monitoring visit;
  - b. the consultation procedure with the authorities encountered on the preliminary draft report;
  - c. examination of the draft report by the Monitoring Committee and the Congress and adoption of a recommendation by the Congress during the sessions; if the rapporteurs think it necessary, they may propose a draft resolution for adoption by the Congress;



- d. transmission of the recommendation for debate to the Committee of Ministers, which may decide on its subsequent transmission to the authorities of the country concerned;
  - e. an invitation issued to the authorities of the country concerned to address the session of the Congress or the session of one of its chambers.
2. Monitoring of the application of the Charter is based primarily on political dialogue which is consolidated as part of the post-monitoring activities and lays the groundwork for future co-operation activities.

### **Rule 84 – 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 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.
2. The whole procedure shall be governed by the principles of independence, impartiality and equity, starting with the appointment of the rapporteurs and the consultant, which shall be based on geographical and political criteria geared to preserving the objectivity of the delegation which will conduct the monitoring visit.
3. The rapporteurs shall be appointed from among the representatives or substitutes of the Monitoring Committee of the Congress who put forward their names as candidates.
4. Upon express derogation by the Chair of the Monitoring Committee, a member of the Congress who is not a member of the Monitoring Committee may be appointed rapporteur.
5. Members of the Monitoring Committee who wish to be rapporteurs on local or regional democracy in a given country must submit

their application to the secretariat of the committee for the attention of the Chair.

6. The rapporteurs must be appointed in a manner that ensures a balanced representation of the political groups and the group of members not registered with a political group of the Congress.

7. Candidates for monitoring exercises may be appointed for only one monitoring exercise at a time. The criteria for the composition of the delegation are as follows:

- a. the rapporteurs and the consultant must not be nationals of the country concerned by the monitoring procedure, or a bordering country or a country which has a particular relationship with the country to be monitored;
- b. members of the Monitoring Committee are ineligible as rapporteurs for a given country if they have already been rapporteurs in respect of this country during the five years preceding their candidature;
- c. the two rapporteurs must also belong to different political groups (or be non-registered);
- d. the delegation's working language is either French or English.

8. The Chair of the Monitoring Committee shall verify the conformity of the candidates' profile with the aforementioned criteria (see Rule 84.7) and shall appoint the rapporteurs on local democracy and on regional democracy. He shall notify the appointments to the Monitoring Committee at its next meeting.

9. The maximum duration of the rapporteurs' mandate shall be five years, dating from their appointment.

10. A rapporteur's mandate may exceptionally be extended for a maximum of six months, on the grounds of the timetable for the presentation of the monitoring report at a Congress session.

11. The delegation shall be strictly limited to the rapporteurs, the consultant and the member(s) of the secretariat, in accordance with Rule 84.7. Consequently, delegation members must not be accompanied by assistants or other persons whose participation is not explicitly provided for in this rule.

12. The secretariat shall suggest dates for the visit to the rapporteurs and the consultant in line with the Monitoring Committee's general timetable of activities, the respective commitments of the members of the monitoring delegation and the availability of the delegation's talking partners in the country visited. If the members of the delegation agree on the dates for the visit, the Congress secretariat shall inform the country's Permanent Representation with the Council of Europe by letter from the Secretary General of the Congress. The rapporteurs and the consultant shall undertake to respect the dates established for the mission and refrain from any other commitment on these dates.

13. The occurrence of a serious political situation or other exceptional circumstances in a country in which a monitoring visit is scheduled may justify postponing the mission. The Monitoring Committee may propose to the Bureau of the Congress, for decision, postponing a monitoring mission, notably where there is a risk of interference between the visit and the holding of elections in the country in question.

14. Where two members of the Monitoring Committee have been appointed rapporteurs for a country by the Chair of the Committee and the consultant has agreed to provide technical assistance to the delegation, the rapporteurs and the consultant shall enter into a working relationship with the secretariat of the Monitoring Committee for the duration of the monitoring procedure.

15. The rapporteurs and the consultant must ensure proper communication with the Congress secretariat, which shall be informed in advance of any meetings or briefings organised with representatives of the authorities of the country visited or with members of the national delegation to the Congress.

### **Rule 85 – Working languages for the monitoring exercise**

1. The working languages used for monitoring activities shall be the two official languages of the Council of Europe (French and English). Consequently, the rapporteurs and the consultant shall be chosen in such a way as to ensure that the members of the delegation can speak, communicate among themselves, and read and write in the official language pre-selected as the delegation's working language.
2. The working documents intended for monitoring activities will be available in English or in French.

### **Rule 86 – 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. The country's Permanent Representation to the Council of Europe shall be regularly kept informed during the drawing up of the programme.
2. Once the rapporteurs have approved the programme, the working meetings shall be planned and organised by the secretariat, which shall manage the specific logistics for the visit.
3. The visit programme must make provision for meetings with the authorities responsible for questions of local and regional democracy or for dealing with these questions, and also with the officials of the administrations concerned, notably:
  - the minister(s) responsible for local and regional authorities;
  - members of parliament (national and/or regional) – particularly those responsible for local or regional issues;
  - local and regional elected representatives, including the Congress delegation, the mayor of the capital city and mayors of small and medium-sized municipalities;

- the president of the Constitutional Court and the national member of the European Commission for Democracy through Law (Venice Commission);
- associations representing local and regional authorities;
- representatives of civil society from non-governmental organisations, trade unions of the country visited, the media, etc;
- the national, regional and/or local ombudsperson;
- a specialist on questions linked to the application of the Charter in the country concerned.

Generally speaking, the rapporteurs can meet any individual whom they consider useful to interview for their task.

4. The consultant shall contribute to the preparation of the visit by drawing up a list of questions to be broached with the talking partners mentioned in the programme, concerning problems linked to the application of the Charter. This list shall also include the questions raised during the previous visit to the country. The consultant must also take into account any declarations made by the State when ratifying the Charter, and the current political context.

5. The list of topics which the delegation wishes to broach shall be sent, around 7 days prior to the visit, to the Permanent Representation to the Council of Europe of the State concerned as regards government interlocutors, and to the talking partners listed in the programme.

### **Rule 87 – Monitoring visits**

#### *Number of visits*

1. The monitoring procedure shall in principle comprise one visit to the country concerned. If they consider it necessary, the rapporteurs may conduct a second visit subject to the agreement of the Monitoring Committee and after having informed the Bureau.

#### *Running of the monitoring visit*

2. The secretariat shall supply all the delegation members with all the documents relevant to the visit, namely the programme, the substantive

documents, information to help prepare the questions for talking partners (prepared in co-operation with the consultant), and information to help the rapporteurs introduce the exchanges during each visit.

3. These documents are designed to prepare the rapporteurs in such a way that they possess sound knowledge of the situation of local and regional democracy in the country visited, and that their questions are as relevant as possible to the country's political and institutional context.

4. Before the first meeting scheduled on the programme, the secretariat shall organise a briefing of the delegation. This briefing shall be attended by both rapporteurs and the consultant. The briefing is vital to the proper overall running of the visit, because it provides an opportunity for clarifying specific points and apportioning speaking time between the rapporteurs, anticipating any difficulties and organising the running of each meeting listed on the programme. For example, the briefing serves to define the roles of each participant during the meetings, particularly deciding which rapporteur is to introduce the delegation, ask the first question and sum up at the end of the meeting. This meeting also helps ensure the correct pronunciation of the names of persons to be interviewed or of municipalities to which the delegation may have to refer during the exchanges of views.

5. The rapporteurs are the main talking partners for the authorities encountered, and they must introduce the delegation and ask the questions. The consultant and the members of the secretariat can also put questions to the talking partners at the invitation of the rapporteurs.

6. A short preparatory meeting is also scheduled with the interpreters before the first meeting in order to ensure that they have all the necessary information and the terminology used for the Congress's work on the Charter and know the proper pronunciation of the names and exact titles of delegation members and talking partners.

7. After the last meeting scheduled in the programme, the secretariat shall organise a debriefing meeting with the delegation members before they split up. This working meeting is geared to establishing an initial assessment, identifying the salient points of the visit, and listing the problems noted vis-à-vis the application of the Charter, the

good practices registered and the main thrust of the recommendations to be addressed to the authorities of the country visited. This meeting enables participants to take stock of the situation with an eye to the draft report, so that the consultant has all the data necessary for preparing a preliminary draft reflecting the rapporteurs' assessment as closely as possible.

### **Rule 88 – Preparation of the draft report, draft recommendation and draft resolution**

1. After the visit, the consultant has six weeks to send the secretariat of the Congress a written contribution for preparing the report on the situation of local and regional democracy in the country visited, to be presented by the rapporteurs. This contribution must be drawn up in French or English, in accordance with the outline report applicable to all monitoring reports, drawing on the conclusions discussed at the debriefing meeting. Furthermore, it must comply with the practical specifications set out in the contract letter drawn up by the secretariat and signed by the parties. Beyond the quality of the legal analysis, the consultant must endeavour to reflect in his or her contribution the thrusts indicated by the rapporteurs for the preparation of the report.

2. The report must also take account of the recommendations and/or resolutions previously adopted by the Congress, particularly the recommendations previously addressed to the country visited. It must also take into consideration the political context in which the monitoring visit took place and examine the situation of local and regional democracy in the light of other relevant Council of Europe texts<sup>1</sup> ratified by the country in question.

3. After discussion with the rapporteurs and possible transmission of the text among the rapporteurs, the secretariat and the consultant, and once the rapporteurs' agreement on the preliminary draft report has been obtained, the latter shall be sent to all the talking partners encountered during the visit for comments. This consultation procedure shall include a

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<sup>1</sup> Such as the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144), the European Charter for Regional and Minority Languages (ETS No. 148), the Framework Convention for the Protection of National Minorities (ETS No. 157), Protocol No. 3 to the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (CETS No. 206), etc.

deadline for sending all the comments received to the rapporteurs for examination. Factual errors will be corrected, and comments or proposed amendments to the rapport leaving room for interpretation or appraisal will be left to the discretion of the rapporteurs, who may decide to integrate these comments, in whole or in part, directly in the preliminary draft report, or to reject them, or else to append them to their report.

4. Under the authority of the rapporteurs and on the basis of the conclusions of the report, the text of the preliminary draft recommendation shall be drawn up by the secretariat. It shall then be submitted to the rapporteurs for final agreement.

5. The draft report and the preliminary draft recommendation are then debated by the Monitoring Committee, which shall adopt the draft report (which becomes final 15 days after the Committee meeting) and approve the preliminary draft recommendation, which shall be submitted at the Congress Session for adoption. The latter text may be amended in accordance with the formal procedure set out in Rule 34.

6. After adoption by the Congress, the Congress recommendation shall be sent to the Committee of Ministers, which may decide to transmit it to the national authorities of the monitored member State for implementation.

### **Rule 89 – Adoption and follow-up of recommendations**

1. In pursuance of Rule 55, the preliminary draft recommendation and, where applicable, the preliminary draft resolution, shall be submitted to the Monitoring Committee for examination and approval.

2. The draft report, recommendation and, where applicable, resolution, shall be presented by the rapporteurs and considered by the Congress with a view to their adoption during its session or a chamber sitting.

3. In pursuance of Article 12, paragraph 2, of the Congress Charter, the recommendation shall be transmitted to the Committee of Ministers for debate. It may decide to transmit it to the authorities of the State in question and to the Parliamentary Assembly.

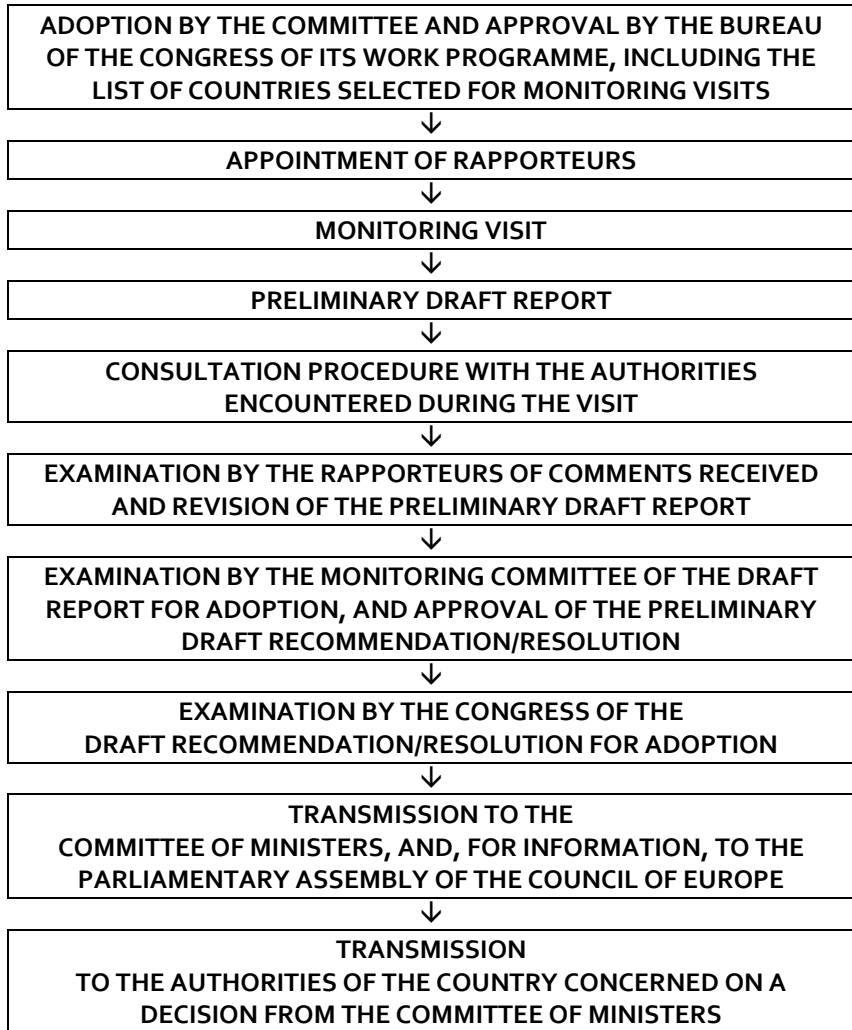


4. The implementation of the recommendation shall be monitored by the member States concerned and by the Congress, as well as by the Council of Europe intergovernmental bodies responsible for local and regional democracy as part of the continuous dialogue established with the authorities during the visit.

### **Rule 90 – Post-monitoring procedure**

The rules described above (Chapter XVIII) shall apply *mutatis mutandis* to the post-monitoring procedure that can be implemented at the joint request of the Congress and the authorities of a member State which has been the subject of a recommendation on local and/or regional democracy.

Flow chart for monitoring procedures



## CHAPTER XIX – PRACTICAL ORGANISATION OF ELECTION OBSERVATION MISSIONS

### Rule 91 – General provisions

1. Following an invitation by the authorities of a country to observe local and/or regional elections, the Congress Bureau decides on the acceptance of the invitation and on the scale of the operation (electoral assessment mission,<sup>1</sup> pre-election mission, observation mission). The Congress is free to emphasise the different steps. In the absence of a Bureau meeting, the Congress President will take the necessary decision, after consultation with the presidents of the chambers.
2. The Congress may 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.
4. The Bureau of the Congress may also decide to send a letter, expressing interest in observing local or regional elections, to the authorities of the country in which such a vote is scheduled, in particular in countries where the monitoring process revealed shortcomings and/or issues of concern with regard to local and regional democracy, as well as, on the contrary, cases of innovation or good practice.
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.

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<sup>1</sup> Electoral assessment missions are observation visits of a reduced scope. Following such missions, the relevant Congress bodies (notably the Monitoring Committee) shall be provided with an information report prepared by the rapporteur. Electoral assessment missions are not followed by a Congress recommendation and/or resolution for adoption by the Congress plenary.

6. A draft observation programme will be drawn up by the Congress secretariat. The Permanent Representative of the country concerned, the head and the secretary of the national delegation to the Congress will be duly informed. In general, the Congress secretariat will ensure regular correspondence with all the relevant stakeholders, in particular with the head of the Council of Europe outpost, in countries where such an office does exist.

7. The Congress secretariat must ensure that high-quality information is provided to the members of the election observation delegation.

### **Rule 92 – Delegations, reports and co-operation with international observer institutions**

1. The Congress secretariat will send a call for interest, including the application form, 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.

2. Based on candidatures received within the given deadline, the Secretary General of the Congress will propose a draft delegation, including the delegation's leadership, normally involving between 5 and 20 members.

3. The composition of delegations is determined according to an appointment system taking into account a balanced representation of the members with different political affiliations as well as non-affiliated members, of both Congress chambers as far as possible, of gender balance and a fair geographical representation and also taking into account the chronological order of candidacies put forward by Congress members.

4. A delegation shall comprise the Congress members determined under Rule 92.3 and one or more members of the Congress secretariat as well as a consultant on electoral matters. 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.<sup>1</sup>

5. The delegation shall be strictly limited to the aforementioned participants and delegation members must not be accompanied by assistants or other persons whose participation is not explicitly provided for in Rule 92.4.

6. In order to ensure a meaningful participation in the work of the mission, the candidate's language skills (in at least one of the official languages of the Council of Europe) will be taken into consideration. In addition, experience in election observation and participation in training sessions are amongst the criteria.

7. Adequate language skills (in at least one of the two official languages of the Council of Europe), conversation techniques and capacities in political dialogue, as well as experience in election observation and monitoring activities and participation in training sessions of the Congress, are criteria for the appointment of the head of delegation.

8. Observation delegations should not include Congress members from the country in which the elections are going to be monitored and from countries with special relations with the respective country.

9. Members taking part in a pre-election visit are expected to also be available for the election observation mission itself.

10. The rapporteurs of the Monitoring Committee for the country where elections are monitored shall be *ex officio* members of the election observation delegation but shall not have the right to act as head/rapporteur of the election observation delegation.

11. On the basis of the proposal provided by the Congress Secretary General, the Bureau will decide on the membership of the delegation,

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<sup>1</sup> In meetings of the delegation with strategic Congress partners in the field, notably the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, the working language is English.

including the head of delegation and rapporteur (both functions can be carried out by the same person), in accordance with the aforementioned principles. In the absence of a Bureau meeting, the President of the Congress, in consultation with the presidents of the chambers, will take the necessary decisions.

12. In order to inform the media about the preliminary conclusions of the Congress election observation delegation, a press conference – chaired by the head of the delegation – will be held the day following the Election Day. Members of a Congress election observation delegation are expected to be present at this press conference.<sup>1</sup>

13. If the Congress is not the only international institution to observe local or regional elections in the respective country, an IEOM (international election observation mission) may be formed together with such institutions, notably with the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR). This implies – according to standard procedure – a joint press conference on the day following the Election Day and a joint preliminary statement. However, if, after an election, a joint final assessment cannot be agreed on by the IEOM, the Congress reserves itself the right to hold – if necessary – its own press conference, making public its own assessment.

14. If a joint IEOM is formed together with other international organisations, all related activities (press conferences, drafting of media releases or political statements) have to be carried out in compliance with Congress requirements (the corporate identity of the Congress mission has to be retained, the specific role and profile of Congress observers should be highlighted, the scale of Congress operations must not be reduced and political messages by the Congress must not be distorted).

15. The report will be drawn up by the rapporteur with the assistance of the Congress secretariat and the consultant on electoral matters. It should reflect the opinion of the members of the entire delegation. The report must be comprehensive, noting positive and negative factors, and distinguish between significant and insignificant factors. It should identify

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<sup>1</sup> Electoral assessment missions are usually not concluded by a press conference.

patterns that could have an impact on the integrity of the election process and on the authenticity of the vote.

16. The report must also take account of resolutions/recommendations previously adopted by the Congress, including those arising from the monitoring of the country concerned, as well as relevant opinions and recommendations from other Council of Europe bodies and international organisations and institutions.

## **CHAPTER XX – IMPLEMENTATION OF THE POST-MONITORING/POST-ELECTORAL POLITICAL DIALOGUE**

### **Rule 93 – General provisions**

The present rules 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 pursuing a political dialogue with national authorities of member States in order to implement the Congress recommendations addressed to the authorities.

### **Rule 94 – The post-monitoring dialogue**

The post-monitoring procedure may be carried out at the joint request of the Congress and the national authorities to which the Committee of Ministers addressed a Congress recommendation on local and/or regional democracy. Following this request, the procedure shall comprise four phases:

- a. an exchange of views with the Permanent Representative to the Council of Europe of the country concerned;
- b. a political exchange with national authorities and other relevant stakeholders in order to identify the priorities laid down in the adopted recommendation;
- c. the development of a roadmap by the Congress delegation, in cooperation with national authorities, in order to determine the main steps necessary to implement the recommendations;
- d. a political dialogue with the national authorities in order to agree on the roadmap.

### **Rule 95 – Composition of the delegation for post-monitoring dialogue**

The delegation may comprise the monitoring rapporteurs, the Chair of the Monitoring Committee or, in the case of non-availability of the above-mentioned persons, any Congress member who has a particular knowledge



of the given country. In the latter case, the criteria provided by Rule 84 shall apply.

### **Rule 96 – The post-electoral dialogue**

A post-electoral dialogue may be put into place at the joint request of the Congress and the national authorities to which the Committee of Ministers addressed a Congress recommendation on observation of local/ regional elections as well as of central election commissions and/or other national authorities in charge of electoral management and/or representatives of political forces and/or national associations of local and regional authorities. The Permanent Representative of the country concerned, the head and the secretary of the national delegation to the Congress will be duly informed of the post-electoral dialogue process. It comprises the following steps:

- a. a presentation of the Congress' recommendation to the relevant national authorities, notably central election commissions and/or other national authorities in charge of electoral management;
- b. an exchange of views with the relevant national authorities, notably central election commissions and/or other national authorities in charge of electoral management, as well as other competent stakeholders;
- c. the drawing-up of an implementation timetable by the Congress delegation in co-operation with the relevant national authorities, notably central election commissions and/or other relevant authorities in charge of electoral management, as well as other competent stakeholders, in order to put the recommendations agreed on as priorities into practice.

### **Rule 97 – The composition of the post-electoral delegation**

The delegation may comprise the head of delegation/rapporteur – or in case of non-availability of the above-mentioned person(s) – any member of the Congress election observation mission as well as the rapporteur of the Monitoring Committee in charge of the respective country. If appropriate, the post-electoral delegation will be accompanied by the Congress

Thematic Spokesperson on observation of local and regional elections and/or a consultant in electoral matters.

**Rule 98 – Follow-up of post-monitoring and post-electoral political dialogue through co-operation activities**

1. When developing its programme of co-operation activities the Congress shall take into account:
  - a. recommendations resulting from monitoring activities as well as country-specific road maps developed as a result of post-monitoring dialogue with national authorities, and
  - b. recommendations and/or resolutions resulting from election observations, electoral assessments and reports on transversal issues in electoral matters as well as the conclusions of activities carried out in the framework of post-electoral dialogue.
2. If appropriate, an action plan and/or co-operation programme may be developed in association with other relevant departments of the Council of Europe on the basis of the above findings.

## CHAPTER XXI – SECRETARIAT AND BUDGET

### Rule 99 – Secretary General of the Congress

***The Secretariat of the Congress shall be provided by the Secretary General of the Congress, elected by the Congress. The Secretary General of the Congress shall be answerable to the Congress and its organs and act under the authority of the Secretary General of the Council of Europe. [...] (Article 15.1)***

***The Secretary General of the Congress is responsible for the management of the human and financial resources of the Congress and its organs. (Article 15.3)***

1. The Secretary General of the Congress is responsible for the efficient management of the human and financial resources of the Congress and must ensure the smooth functioning of the Congress and its bodies and the follow-up of their decisions.
2. The Secretary General of the Congress is responsible for transmitting texts adopted by the Congress to the Parliamentary Assembly and the Committee of Ministers.

***The Congress shall elect its Secretary General for a renewable term of five years, although he or she may not exceed the age limit applicable to all Council of Europe staff. (Article 15.2)***

***[...] Candidates shall be free to submit their applications directly to the Secretary General of the Council of Europe, who will transmit them to the President of the Congress, together with his or her opinion. Following examination of these candidatures, the Bureau shall submit a list of candidates to the vote of the Congress. The Congress shall establish the procedure for the election of the Secretary General of the Congress on the basis of a proposal by the Bureau of the Congress. (Article 15.1)***

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

- a. The election shall take place at the last session prior to the expiry of the term of office of the incumbent. The President shall ask the Secretary General of the Council of Europe to advertise the post, to the extent possible, six months before that session, by means of a vacancy notice under an external recruitment procedure. The vacancy notice will be prepared by the Secretary General of the Council of Europe in accordance with the Council of Europe staff regulations.
- b. The President of the Congress shall ask the Secretary General of the Council of Europe to establish a timeline for the procedure which will enable the smooth running of the election and the required deadlines to be met.
- c. A preselection committee composed of the President of the Congress, the two chamber presidents and two other Congress vice-presidents designated by the Bureau shall be established at a Bureau meeting prior to the closing date of the vacancy notice. The preselection committee acts on behalf of the Bureau for the purposes of the preselection procedure and is responsible for ensuring the smooth running of the election preparations. It is assisted by the most senior member of the Congress secretariat who is not a candidate for the post.
- d. Preliminary consideration of applications
  - i. Following the initial examination of applications by the Secretary General of the Council of Europe in the light of the requirements stated in the vacancy notice, a list of candidates meeting those requirements (list A) is established.
  - ii. The President of the Congress shall then ask the Secretary General of the Council of Europe for an exchange of views with the Bureau preselection committee on the basis of list A with a view to the establishment of the Secretary General's opinion (list B).

- iii. After this meeting the Secretary General of the Council of Europe shall transmit to the President of the Congress his or her opinion (list B) containing his or her commented choice of candidates, together with the remaining candidatures (those meeting the requirements but not selected, and those not meeting the requirements).
  
- e. Appointment of candidates
  - i. The preselection committee shall:
    - meet in order to examine the opinion transmitted by the Secretary General of the Council of Europe (list B) and group the candidatures;
    - on the basis of this grouping, invite some or all of the candidates to attend an interview and subsequently establish an order of preference;
    - submit to the Bureau of the Congress the list by order of preference indicating in writing the reasons for their choice;
  - ii. On the basis of this work the Bureau shall examine the list by order of preference having particular regard to the following requirements:
    - the recruitment of persons of the highest integrity and competence for the post to be filled;
    - the necessity, under the Council of Europe's equal opportunities policy, of consistently ensuring parity in the numbers of men and women employed in each category and grade;
    - the need for equitable geographical distribution of vacancies among nationals of the member States (this appointment shall not be considered the prerogative of any one member State);
    - the need to take into account the qualifications and experience of persons already serving with the Council of Europe in order to offer members of the Secretariat reasonable promotion prospects;

- iii. The Bureau shall:
- approve the order of preference or draft a new order of preference, if necessary via a secret ballot,
  - establish the final list of candidates to be proposed to the Congress taking all or part of the preselection committee's short-list, and
  - make the final list publicly available (in order of preference) together with the candidates' curricula vitae and presentation documents (not exceeding four A4 pages), no later than 20 days before the session at which the election is to be held.
- f. In accordance with Rule 39.1, candidates for the post of Secretary General proposed by the Bureau shall address the Congress for no longer than 3 minutes in order to present their candidacy. No questions may be asked.
- g. The election for the post of Secretary General shall be conducted by secret ballot (which may be held electronically), in accordance with Rule 14.3. If there is only one candidate, the ballot must provide for votes in favour, votes against and abstentions.
- h. In the event of a tie between several candidates, preference shall be given to the candidate from the under-represented sex in the grade of the post to be filled within the Council of Europe. If the candidates are of the same sex, the candidate who is senior in age shall be elected.

#### **Rule 100 – Director and secretariat of the chambers**

***The Secretary General of the Council of Europe shall be responsible for the appointment of the senior management positions in the Congress, following consultation with the Bureau of the Congress. (Article 15.4)***

## Rule 101 – Budget

*The Congress shall inform the Secretary General of the Council of Europe and the Committee of Ministers of its budgetary needs. Its requests shall be examined in the general context of the draft budget presented by the Secretary General of the Council of Europe. (Article 16.1)*

*The Committee of Ministers shall adopt the budget of the Congress, as part of the Ordinary Budget of the Council of Europe. (Article 16.2)*

*This budget shall be designed to cover the expenditure occasioned by the sessions of the Congress and of its two chambers, the meetings of other Congress organs, and by all other expenditure linked to its activities. (Article 16.3)*

*The rates for Congress members' per diem allowances are fixed by the Committee of Ministers. As regards sessions only the participation costs of representatives or duly mandated substitutes shall be defrayed. (Article 16.4)*

*The Secretary General of the Congress shall abide by the financial regulations of the Council of Europe and see to it that the necessary funds are earmarked for the functioning of the statutory bodies of the Congress. He or she shall regularly inform the Bureau of the budgetary situation. (Article 16.5)*

*The Secretary General of the Congress shall implement the Congress' work programme on the basis of the political priorities defined by the Bureau and adopted by the Congress. In this context, he/she shall be responsible for managing the budget of the Congress on the basis of the financial authority and responsibility delegated to him/her by the Secretary General of the Council of Europe. (Article 16.6)*

1. The Secretary General of the Congress shall draw up an estimate of the budgetary needs of the Congress which will be examined by the Bureau of the Congress in the form of a preliminary draft recommendation. The preliminary draft recommendation, once approved by the Bureau,

must be submitted in the form of a draft recommendation to the Congress for adoption.

2. The Secretary General of the Congress must transmit the adopted recommendation to the Secretary General of the Council of Europe and to the Committee of Ministers in accordance with Rule 99.2.

3. Once the budget of the Congress has been adopted, it is for the Secretary General of the Congress to manage it and to report to the Bureau at regular intervals on its implementation.



## CHAPTER XXII – MISCELLANEOUS

### Rule 102 – Official languages

1. The official languages of the Congress are those of the Council of Europe: English and French. All texts for adoption by the Congress and its chambers must be drawn up in these languages.
2. Proposals and memoranda presented in accordance with the provisions of Rules 27 and 28 are published in the official languages. They may, however, be drawn up in one of the working languages.
3. Chairing of Congress and chamber sessions, as well as Statutory Forum, committee and bureaux meetings, must be done in an official language.

### Rule 103 – Working languages

The working languages of the Congress shall be those of the member States which are major contributors to the Council of Europe budget, without prejudice to the provisions of Article 12 of the Statute of the Council of Europe, provided that the necessary appropriations for their funding are entered in the Congress' budget.

### Rule 104 – Other languages

During proceedings delegates have the opportunity to use other languages than the official and working languages. In this case, funding for the interpretation of these other languages into the official languages and the working languages must be at the initiative and cost of the delegations that made the request and not covered by the Congress budget.

### **Rule 105 – Access to and declassification of Congress documents**

Access to and declassification of Congress documents including those of its working structures are governed by Administrative Rules.<sup>1</sup>

### **Rule 106 – Revision of the Congress Charter**

1. The Congress may submit proposals to amend the Charter to the Committee of Ministers for decision.
2. The Bureau of the Congress may submit proposals to amend the Charter to the Congress. These proposals must be included in a sessional agenda and made available to delegates 30 days before the session.
3. Any proposal to amend the Charter must be tabled by 20 delegates belonging to at least four national delegations in accordance with Rule 27. If the Bureau approves the proposals for amendment, the Bureau must submit them, in the form of a draft recommendation, to the Congress under Rule 106.2.

### **Rule 107 – Revision of Rules and Procedures of the Congress**

***The Congress adopts, in compliance with the rules set out in the Charter, its own Rules and Procedures which shall provide for:***

- a. ***the modalities for assessing compliance with the criteria of Articles 5.2 and 5.3 of the Charter; (Article 14.a)***
- c. ***other provisions complementary to the Charter including the forms and conditions of participation in the Congress' work and in that of its chambers and other bodies, the organisation of elections and voting; (Article 14.b)***
- c. ***a code of conduct defining the ethical behaviour and respect of the values and standards of the Council of Europe expected of its members as well as procedures to respond to non-compliance. The***

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<sup>1</sup> See Rule 19.3.

***Secretary General of the Congress shall ensure that members are aware of the code of conduct. (Article 14.c)***

1. The Bureau of the Congress may submit to the Congress a report containing proposals to amend the Rules and Procedures. These proposals must be included in a sessional agenda and made available to delegates 30 days before the session.
2. Any other proposal to amend these Rules must be tabled by 20 delegates belonging to at least four national delegations in accordance with Rule 27. If the Bureau approves the proposals for amendment, the Bureau must submit them, in the form of a draft resolution, to the Congress under Rule 107.1.

## APPENDIX I: Code of Conduct of Congress members

1. The purpose of this Code is to provide a framework of reference for members of the Congress of Local and Regional Authorities of the Council of Europe in the discharge of their duties.
2. It outlines general principles of behaviour which the Congress expects of its members. By adhering to these standards members can maintain and strengthen the openness and accountability necessary for trust and confidence in the Congress.
3. The Code applies to members in all aspects of their public life relevant to their duties as members of the Congress. Its provisions complement the obligations on members of the Congress to abide by the rules of conduct provided in the Rules and Procedures, as well as resolutions of the Congress and decisions of the Congress organs relating to members' conduct and discipline.
4. The application of this Code shall be a matter for the Congress.
5. Guidance on all matters covered by this Code and situations which may arise from its application may be sought from the Secretary General of the Congress who is responsible for ensuring its promotion.
6. While performing their mandate as members of the Congress, they shall:
  - a. carry out their duties responsibly with integrity and honesty;
  - b. take decisions solely in the public interest, without being bound by any instructions that would jeopardise members' ability to respect the present code;
  - c. not act in such a way as to bring the Congress into disrepute or tarnish the Congress' image;
  - d. use the resources available to them responsibly;
  - e. not use their public office for their, or anyone else's, private gain;
  - f. declare any relevant interests relating to their public functions and take steps to resolve any conflicts arising in a way that protects the public interest;
  - g. promote and support these principles by leadership and example;
  - h. undertake to comply with the rules set out hereafter.

7. Members shall respect the values of the Council of Europe and the general principles of behaviour of the Congress and not take any action which would cause damage to the reputation and integrity of the Congress or its members.

8. Members shall avoid conflicts between any actual or potential economic, commercial, financial or other interests on a professional, personal or family level on the one hand, and the public interest in the work of the Congress on the other, by resolving any conflict in favour of public interest; if the member is unable to avoid such a conflict of interests, it shall be disclosed.

9. Members shall draw attention to any relevant interest in accordance with the Congress Rules and Procedures.

10. No member shall act as a paid advocate in any work of the Congress.

11. Members shall not promise, give, request or accept any fee, compensation or reward intended to affect their conduct as members, particularly in their decision to support or oppose any motion, report, amendment, written declaration, recommendation, resolution or opinion. Members shall avoid any situation that could appear to be a conflict of interests and shall not accept an inappropriate payment or gift.

12. Members shall not use their position as a member of the Congress to further their own or another person's or entity's interests in a manner incompatible with this Code of Conduct.

13. Members shall use information with discretion, and in particular shall not make personal use of information acquired confidentially in the course of their duties.

14. Members shall inform the President of the Congress of any pressure put upon them or against any other Congress member.

15. Where, in the course of their duties as members of the Congress, they are presented with a gift they should refuse as it might influence or

might be seen as likely to influence their position in the performance of their duty as a member of the Congress. They may exceptionally accept the gift if refusing it would be reasonably considered contrary to the good practice in the relevant cultural context. In such cases, where the gift has a value of 100 euros or more it should be handed to the Secretariat of the Congress which will ensure that it is promptly entered into the Council of Europe Gift Register.

16. Members shall ensure that their use of expense claims, allowances, facilities and services provided by the Council of Europe is strictly in accordance with the relevant regulations laid down on these matters.

17. Members undertake to sign a copy of this Code of Conduct upon taking up their mandate in the Congress.

18. Implementation of this Code is the responsibility of the Bureau of the Congress, in accordance with the powers and responsibilities granted to it by the Rules and Procedures. Any breaches thereto will be dealt with in accordance with the procedure provided by the Rules and Procedures.

**APPENDIX II – Apportionment by country of seats on committees**

	Number of seats	Monitoring	Governance	Current Affairs	Seat at delegations' discretion
2	ANDORRA	1	1	1	
	LIECHTENSTEIN	1	1	1	
	MONACO	1	1	1	
	SAN MARINO	1	1	1	
3	CYPRUS	1	1	1	
	ESTONIA	1	1	1	
	ICELAND	1	1	1	
	LATVIA	1	1	1	
	LUXEMBOURG	1	1	1	
	MALTA	1	1	1	
	MONTENEGRO	1	1	1	
	SLOVENIA	1	1	1	
4	NORTH MACEDONIA	1	1	1	
	ALBANIA	2	1	1	
	ARMENIA	2	1	1	
	IRELAND	2	1	1	
5	LITHUANIA	2	1	1	
	BOSNIA AND HERZEGOVINA	2	1	1	1
	CROATIA	2	1	1	1
	DENMARK	2	1	1	1
	FINLAND	2	1	1	1
	GEORGIA	2	1	1	1
	REPUBLIC OF MOLDOVA	2	1	1	1
6	NORWAY	2	1	1	1
	SLOVAK REPUBLIC	2	1	1	1
	AUSTRIA	2	2	2	
	AZERBAIJAN	2	2	2	
	BULGARIA	2	2	2	
7	SWEDEN	2	2	2	
	SWITZERLAND	2	2	2	
	BELGIUM	3	2	2	
	CZECH REPUBLIC	3	2	2	
	GREECE	3	2	2	
	HUNGARY	3	2	2	
10	NETHERLANDS	3	2	2	
	PORTUGAL	3	2	2	
12	SERBIA	3	2	2	
	ROMANIA	4	3	3	
18	POLAND	4	4	4	
	SPAIN	4	4	4	
	UKRAINE	4	4	4	
18	FRANCE	6	6	6	
	GERMANY	6	6	6	
	ITALY	6	6	6	
	TÜRKIYE	6	6	6	
	UNITED KINGDOM	6	6	6	

**APPENDIX III – PROPOSAL FOR FUTURE CONGRESS ACTIVITIES<sup>1</sup>**

[maximum 300 words]

**“Title”**

The signatories request that the Bureau of the Congress consider the following proposal:

<b>Context (why)</b>	Definition of the issue which has prompted this proposal.
<b>Subject and nature of the proposal (which activities)</b>	A reasoned presentation of the proposed topic signatories wish the Congress to tackle as a future priority theme or work and the manner in which they suggest it be addressed (activity, etc.)
<b>Objective (goal and results)</b>	Overview of the proposal’s general objective and expected results. Where applicable, the work already done by the Congress and which signatories suggest could be re-examined or built upon should be referred to.
<b>Local and regional dimension</b>	Relevance and competence of the Congress and of local and regional authorities in the topic being proposed.
<b>Conclusion</b>	

Signatures (minimum number ...):

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<sup>1</sup> See Rules 23.1 and 28 of the Congress Rules and Procedures or, where applicable, the ad hoc decision taken by the Bureau of the Congress in the framework of this session. If the President determines that this proposal is in order, it must be published during the session and is considered to be referred to the Bureau of the Congress for consideration and decision.



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

*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.*

*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.*

\*\*\* \*\*

1. As soon as possible after a Congress Bureau renewal (i.e. after the elections of the Congress President and Vice-Presidents), the Secretary General of the Congress and the president of each of the Congress political groups shall sign an Administrative Arrangement. These arrangements are for a two-year period. Each Administrative Arrangement shall remain valid even if the president of a political group or if the Secretary General of the Congress change.

2. Each year, once the overall Congress budget has been 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 make provision for funds 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.

4. Each year, the allocation to each political group shall be calculated on the basis of the registered members of the group as of 1 January.

5. In the first week of January of each year, the president of each political group shall send to the Secretary General of the Congress the complete list of members of the group. This information will be checked against the information contained in the Congress's database ("Who's who") which indicates the affiliation of each Congress member. As new members are appointed to the national delegations in the course of the year, the political groups inform the Congress Secretariat of the affiliation of these members. The provisions of paragraph 7 shall apply.

6. In the case of a discrepancy concerning the numbers of members affiliated to a group, the Secretary General of the Congress shall inform the group in question and ask it to clarify the number of registered members.

7. Once the number of registered members for the group is clarified, there shall be no revision of budget allocation during a given budgetary year even if the number of members affiliated to the political group changes during that year.

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

9. In order to ensure coherence with the financial regulations of the Council of Europe, the statutes of political groups shall comply with a number of criteria and should specifically include provisions for:

- a. The election of at least one treasurer, who cannot simultaneously hold the office of president of the group; the statutes shall specify his/her responsibilities and the duration of his/her mandate; the president and treasurer(s) shall decide on the use of funds granted by the Congress. The treasurer shall prepare the financial reports to be examined by the auditors of the group.
  - b. The election of two auditors, who cannot hold office as members of the body responsible for managing the budget of the group; the statutes shall specify their responsibilities and the duration of their mandate; the auditors shall verify that the entries have been correctly passed in the books of account; they shall report to the group's plenary assembly and sign the statement of expenses [*model 2 in Appendix I of the Administrative Arrangement*] which shall be forwarded to the Secretary General of the Congress.
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 spring session, a request for payment signed by the president of the political group together with:
- a provisional list of expenses for the year for which the Congress allocation is granted [*model 1 in Appendix I of the Administrative Arrangement, in English or French*];
  - a statement of expenses [*model 2 in Appendix I of the Administrative Arrangement, in English or French*], made in the previous year, signed by the president of the political group, the treasurer and the two auditors.
  - the relevant extract of the minutes of the group's plenary assembly at which the auditors' report was adopted as an appendix to the statement of expenses [*model 2 in Appendix I of the Administrative Arrangement*].
11. By signing the administrative arrangement, each political group commits itself to revise if necessary, its statutes, at the latest by 31 March, in order to ensure full coherence with the financial regulations of the

Council of Europe and to comply with the guidelines and in particular with the specific criteria listed above. Payment shall only be made once the statutes in force comply with these guidelines.

12. Each year the allocation shall be paid in a single instalment as laid down in the Administrative Arrangement and provided that the requested documentation has been transmitted.

13. Unspent funds at the end of a budgetary year shall be considered an advance for the following year and shall be deducted from the following year's allocation when it is paid.

14. The Secretary General shall inform the Congress Bureau whether the political groups abide by the terms of the Administrative Arrangement signed. In case of non-respect, the Secretary General shall inform in writing the president of the political group concerned and ask him/her to remedy the situation as soon as possible. The Secretary General shall inform the Congress Bureau accordingly, which may decide that parts or the whole of the allocation may not be paid.

15. When a new group is formed in the course of a given year, specific modalities are to be applied:

- an arrangement is to be signed following the information of the Congress Bureau (Rule 8) on the creation of the group;
- a new group shall receive its allocation in the financial year of its foundation consisting of a budgetary allocation calculated on a *pro rata temporis* basis taking account of the number of members registered in the given group at the date of the signature of the initial Administrative Arrangement;
- additional budgetary requirements for new groups shall be covered if possible by transfer from other budget lines of the Congress. If no additional funds are available for the given year, the Congress will pay this allocation to this new group from its budget in the following year.

16. If a group ceases to exist in the course of a given year, the allocations to the other groups remain unchanged. The Secretary General of the Congress informs the Bureau and requests the group in question to transfer any of its remaining funds back to the Congress.

**ADMINISTRATIVE ARRANGEMENT  
BETWEEN THE COUNCIL OF EUROPE AND  
THE *[Name and initials of the group]***

The Council of Europe, which has its Head Office at Avenue de l'Europe, F-67075 Strasbourg, France, represented by *[Name]*, Secretary General of the Congress of Local and Regional Authorities (hereinafter referred to as "the Council of Europe"),

on the one hand, and

the *[Name, initials and address of political group]*, represented by *[Name]*, President, *[address, e-mail]* (hereinafter referred to as "the Beneficiary")

on the other hand,

have agreed as follows:

The Council of Europe and the Beneficiary shall abide by the Congress Rules and Procedures (2020) No 8, 9, 10 and 11, as well as by the obligations contained in the Guidelines for the funding of political groups from the Congress budget adopted by the Bureau of the Congress on 17 September 2013, as well as the present Administrative Arrangement. They agree to act as regards any matter dealt with in this Administrative Arrangement in a manner guaranteeing the smooth and efficient exchange of required information and transfer of funds.

**ARTICLE 1 - SUBJECT**

1. The subject of this Arrangement is the payment, by the Council of Europe, of an annual allocation for the expenses to be met for the functioning of the Beneficiary.
2. The Beneficiary will be awarded the funding on the following terms and conditions:
  - (a) 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 political groups for a given year proportionally to its registered members by 1 January of the relevant year;

- (b) The budget allocated to the political groups shall be calculated in accordance with Rule 8.2. of the Congress Rules and Procedures;
- (c) The figures for the calculation of the annual allocation to the [name of political group] will be established in an exchange of letters between the president of the [name of political group] and the Secretary General of the Congress in the first week of the relevant year.
- (d) Each year, the allocation to each political group shall be calculated on the basis of the registered members of the group as of 1 January.

#### **ARTICLE 2 - VALIDITY**

This Administrative Arrangement will be applied in [*specify the years*]. A new Administrative Arrangement covering the following two-years will enter into force when signed by both parties concerned. The amount allocated for each year will be established according to Art. 1 (2) c of this Arrangement.

### ARTICLE 3 - OBLIGATIONS OF THE BENEFICIARY

The Beneficiary undertakes:

- (a) to use this funding exclusively for its 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 and interpretation costs (other than those covered by the Congress on the occasion of Congress sessions) and translation costs;
- (b) to make no profit through the Council of Europe funding; unspent funds at the end of a budgetary year shall be considered an advance for the following year and shall be deducted from the following year's allocation when the instalment is paid;
- (c) to establish internal control procedures and independent auditing structures regularly reporting to the plenary assembly of the group;
- (d) to transmit to the Secretary General of the Congress of the Council of Europe preferably before the end of the Congress spring session, a request for payment signed by the President together with:
  - a provisional list of expenses for the year for which the Congress allocation is granted (model 1 in Appendix I of the Administrative Arrangement) in English or French);
  - a statement of expenses made during the previous year (model 2 in Appendix I of the Administrative Arrangement), in English or French;
  - the relevant extract of the minutes of the group's plenary assembly at which the auditors' report was adopted;
- (e) to relinquish the right to the payment of the funding if the documents specified in Article 3(d) and (i) are not received by the Council of Europe;
- (f) in accordance with the financial rules in force at the Council of Europe, to archive for at least the past 10 years its books and all



supporting documents which shall be made available upon request by the Council of Europe Secretariat or its external auditors;

- (g) when acting under this Administrative Arrangement, to observe any applicable laws and to ensure that the Council of Europe is not held liable in respect of a third party;
- (h) to take appropriate measures to prevent irregularities, fraud, corruption or any other illegal activity in the management of the allocated amount. All suspected and actual cases of irregularity, fraud and corruption related to this Administrative Arrangement as well as measures related thereto taken by the Beneficiary must be reported to the Secretary General of the Congress;
- (i) to adapt its statutes if necessary, in order to comply with the Guidelines for the funding of political groups adopted by the Bureau of the Congress on 17 September 2013. Payment shall only be made once the statutes in force comply with these Guidelines.

#### **ARTICLE 4 - PAYMENT ARRANGEMENTS**

1. The Council of Europe shall pay the allocation mentioned above under Article 1(2) in a single instalment, at the latest one month after the receipt of the requested documentation as laid down in Art 3. (d) and when the group's statutes are in conformity with the Guidelines (Art. 3 (i));
2. Payments will be made in euros.
3. The above-mentioned allocation will be paid by bank transfer to the following account opened in the name of the Beneficiary:

Account holder: [...]

Full bank account number (RIB): [...]

IBAN Code: [...]

SWIFT Code: [...]

Bank name: [...]

Bank address: [...]

## **ARTICLE 5 - APPENDIX I**

Appendix I to this Arrangement describes the model for submitting the provisional list of expenses for a given year and the model for submitting the statement of expenses at the end of the year. It forms an integral part of this Arrangement.

## **ARTICLE 6 - CONFLICT OF INTERESTS**

1. The Beneficiary undertakes to take all necessary precautions to avoid any risk of a conflict of interests and shall inform the Council of Europe without delay of any situation constituting or likely to lead to any such conflict.
2. A conflict of interests exists where the impartial and objective exercise of the functions of any person under this Administrative Arrangement is compromised for reasons involving family or private life, political or national affinity, economic interest or any other interest shared with another party.

## **ARTICLE 7 - CONFIDENTIALITY**

The Council of Europe and the Beneficiary undertake to preserve the confidentiality of any document, information or other material directly related to this Administrative Arrangement and duly classified as confidential, for a minimum of 10 years after the date of transmission of the statement of expenses under Article 3(d) of this Arrangement.

## **ARTICLE 8 - ELIGIBLE EXPENSES**

Eligible expenses under this Arrangement-must:

- be necessary for the functioning of the political group, be provided for specifically in this Arrangement, and comply with the principles of sound financial management, in particular value for money and cost-effectiveness;
- have actually been incurred during the implementation period of this Arrangement;

- be recorded in the Beneficiary's or Beneficiary's partners' accounts, be identifiable, be backed by originals of supporting evidence (as the case may be, in electronic form).

#### **ARTICLE 9 - ACCOUNTS AND TECHNICAL AND FINANCIAL CHECKS**

1. The Beneficiary shall keep accurate and systematic records and accounts in respect of the implementation of the activities financed.
2. The accounting regulations and rules of the Beneficiary shall apply, on the understanding that these regulations and rules conform to nationally or internationally accepted standards.
3. The Beneficiary shall, for a minimum of 10 years from the date of transmission of the statement of expenses under Article 3(d) of this Arrangement keep financial and accounting documents concerning the activities financed.
4. The Council of Europe and its external auditors may undertake checks (related to the uses of the funds allocated by this Administrative Arrangement, in full respect of the political autonomy of the group.

#### **ARTICLE 10 - BALANCE OF THE COUNCIL OF EUROPE FUNDING IN CASE OF TERMINATION OF THE POLITICAL GROUP**

In cases where the Beneficiary ceases to exist, the funds that remain unspent after all liabilities incurred in this period have been satisfied, including any interest earned, will be reimbursed to the Council of Europe.

#### **ARTICLE 11 - TERMINATION**

The Council of Europe reserves the right to terminate this Arrangement and the Beneficiary undertakes to repay the funding in the following cases:

- if the Beneficiary fails to use the funding for the purpose of the activity; or
- if the Beneficiary fails to submit the documentation as laid down in Art.3.(d) and (i); or

- if the Beneficiary fails to fulfil any of the terms of this Arrangement.

#### **ARTICLE 12 - AMENDMENTS**

The provisions of this Arrangement may be amended only by written agreement between the Parties (the Council of Europe and the Beneficiary).

#### **ARTICLE 13 – DISPUTES**

Any dispute regarding this Arrangement shall – failing a friendly settlement between the parties – be submitted to arbitration in accordance with Rule No. 481 of 27 February 1976 (see Appendix II) issued by the Secretary General with the approval of the Committee of Ministers, as provided in Article 21 of the General Agreement on Privileges and Immunities of the Council of Europe.

Done in two copies, in [*if the Parties are not physically present at the same place when signing the arrangement, insert the duty station of the person representing the Secretary General*] this date of [*if the Parties are not physically present at the same place when signing the arrangement, insert the date of the last signature*].

Date: ...

**For the Council of Europe**

**For the Beneficiary**

[Name]  
Secretary General of the Congress

[Name]  
President of [*Name of political group*]

**APPENDIX I to the ADMINISTRATIVE ARRANGEMENT**

**Model 1**

[Political group concerned: *[Name and initials]*]

**USE OF CONGRESS ALLOCATION  
PROVISIONAL LIST OF EXPECTED EXPENSES FOR THE YEAR [... fill]**

<b>Type of expenditure</b>	<b>Estimated Amount</b>	<b>Comment</b>
Secretariat staff (salaries, insurance)		
Administrative expenses		
Meetings and interpretation and translation costs		
Miscellaneous/ others		
Total expenditure expected as at 31.12....		
Comments		
<b>Signatures</b>	<b>President</b>	<b>Treasurer</b>

**APPENDIX I to the ADMINISTRATIVE ARRANGEMENT**

**Model 2**

Political group concerned: *[Name and initials]*

**USE OF CONGRESS ALLOCATION  
STATEMENT OF ACTUAL EXPENSES INCURRED IN THE YEAR [... fill]**

<b>Type of expenditure</b>	<b>Amount</b>	<b>Period or Date</b>	<b>Comment</b>
Secretariat staff (salaries, insurance)			
Administrative expenses			
Meetings and interpretation and translation costs			
Miscellaneous / others			
Total expenditure (31/12/...)			
Comments			
<b>Signatures</b>	<b>President</b>	<b>Treasurer</b>	<b>Auditors (2)</b>

**Attachment:** cf. Art 3 (d)

The relevant extract of the minutes of the plenary assembly of the group at which the auditors' report was adopted.

**APPENDIX II to the ADMINISTRATIVE ARRANGEMENT**  
**Rule No. 481 of 27 February 1976**

The Secretary General of the Council of Europe,

Having regard to the Statute of the Council of Europe, of 5 May 1949, and in particular its Articles 11 and 40,

Having regard to the General Agreement on Privileges and Immunities of the Council of Europe signed on 2 September 1949, and in particular its Articles 1, 3 and 21, as well as the Special Agreement relating to the seat of the Council of Europe signed on 2 September 1949,

Considering that it is appropriate to determine the arbitration procedures for any disputes between the Council and private persons regarding supplies furnished, services rendered or immovable property purchased on behalf of the Council,

Having regard to the decision of the Committee of Ministers of the Council of Europe at the 253<sup>rd</sup> meeting of the Deputies,

Decides

**ARTICLE 1**

Any dispute relating to the execution or application of a contract covered by Article 21 of the General Agreement on Privileges and Immunities of the Council of Europe shall be submitted, failing a friendly settlement between the parties, for decision to an Arbitration Board composed of two arbitrators each selected by one of the parties, and of a presiding arbitrator, appointed by the other two arbitrators: in the event of no presiding arbitrator being appointed under the above conditions within a period of six months, the President of the Tribunal de Grande Instance of Strasbourg shall make the appointment.

**ARTICLE 2**

However, the parties may submit the dispute for decision to a single arbitrator selected by them by common agreement or, failing such

agreement, by the President of the Tribunal de Grande Instance of Strasbourg.

**ARTICLE 3**

The Board referred to in Article 1 or, where appropriate, the arbitrator referred to in Article 2 shall determine the procedure to be followed.

**ARTICLE 4**

If the parties do not agree upon the law applicable the Board or, where appropriate, the arbitrator shall decide *ex aequo et bono* having regard to the general principles of law and to commercial usage.

**ARTICLE 5**

The arbitral decision shall be binding upon the parties and there shall be no appeal from it.

Strasbourg, 27 February 1976

Georg KAHN-ACKERMANN  
Secretary General



The Congress of Local and Regional Authorities of the Council of Europe, successor of the Conference of Local Authorities established in 1957 and of the different assemblies which followed it, was created on 14 January 1994, with the adoption of Statutory Resolution (94) 3 by the Committee of Ministers, under the authority of the Statute of the Council of Europe. The Congress has powers to adopt its own Rules and Procedures to specify and complement the Statutory Resolution and the Charter.

The Rules and Procedures cover all the major aspects of its functioning ranging from Congress membership, rules governing its different bodies (bureaux, Statutory Forum, committees, etc), procedures during sessions and other Congress meetings, procedures for monitoring local and regional democracy in member States through the application of the European Charter of Local Self-Government and for election observation, as well as those for post-monitoring and post-election dialogue, rules governing ethics and conduct of members and those setting out different possibilities for partnership with the Congress.

The Council of Europe is the continent's leading human rights organisation. It comprises **46** member States, including all the members of the European Union. The Congress of Local and Regional Authorities is an institution of the Council of Europe, responsible for strengthening local and regional democracy in its **46** member states. Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees, it brings together **612** elected officials representing more than **130 000** local and regional authorities.

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The Congress  
  
Le Congrès

COUNCIL OF EUROPE  
  
CONSEIL DE L'EUROPE