



502

Strasbourg, 16 May 2000

CG (7) 3
Resolution

SEVENTH SESSION

(Strasbourg, 23-25 May 2000)

**DRAFT RESOLUTION
ON**

**THE REVISION OF THE RULES OF PROCEDURE OF THE CONGRESS
FOLLOWING THE ADOPTION BY THE COMMITTEE OF MINISTERS
OF A NEW STATUTORY RESOLUTION (2000) 1
AND A NEW CHARTER OF THE CONGRESS**

Rapporteurs:

Mr Llibert CUATRECASAS (R, Spain) and
Mr Halvdan SKARD (L, Norway)

Members of the Bureau:

Mr Alain CHENARD, *President* (L, France), Mr Jean-Claude VAN CAUWENBERGHE (R, Belgium), DDr Herwig van STAA (L, Austria), Ms Patrizia DINI (R, Italy), Mr Halvdan SKARD (L, Norway), Mr Leon KIERES (R, Poland), Mr Alexander SLAFKOVSKY (R, Slovakia), Mr Calin Catalin CHIRITA (L, Romania), Mr Risto KOIVISTO (R, Finland), Sir John HARMAN (L, United Kingdom), Dr Josef HOFMANN (L, Germany), Mr Llibert CUATRECASAS (R, Spain), Mr Anatoli SALTIKOV (L, Russian Federation), Mr Claude HAEGI, *Past-President* (R, Switzerland), Mr Alexander TCHERNOFF, co-opted member (L, Netherlands), Mr Viorel COIFAN, co-opted member (R, Romania)

Responsible Secretary: Ulrich BOHNER

The Congress,

1. Having regard to the new Statutory Resolution (2000) 1 adopted by the Committee of Ministers on 15 March and the new Charter of the Congress appended thereto;
2. Taking account of the proposals contained in Recommendation 56 (1999) of the Congress on the statutory reinforcement and the revision of the Congress Charter, particularly the provisions thereof which are not included in the texts approved by the Committee of Ministers but which supplement them;
3. Taking account of a number of improvements to the text of the Rules of Procedure based on the experience of six years' activity of the Congress;

Adopts the amendments to its Rules of Procedure which are appended to this Resolution.

CLRAE

RULES OF PROCEDURE OF THE CONGRESS

(Amendments to be made in application of the Charter
adopted by the Committee of Ministers on 15 March 2000
and following the decisions of the Bureau of the CLRAE of 10 April 2000)

Preliminary notes:

1. *For the sake of clarity it is suggested that the word "chamber" be written with a capital "C" only when referring to the two Chambers of the Congress, and with a lower case "c" when referring to the chambers of the Standing Committee and the statutory Committees.*
2. *Likewise, it is suggested that "committee" be spelt with a capital "C" when referring to the statutory Committees or the Standing Committee and with a small "c" when referring to the committees of the Chambers.*
3. *The meanings of certain words need clarification: the terms "**representative**" and "**substitute**" refer to the status of the members of the Congress as notified by the national delegations, while the terms "**full member**" and "**alternate**" refer to the status of the members of the Congress on committees. Accordingly, when it is proposed that two alternates be appointed for each full member of a committee, it follows that representatives may be full members of one committee and alternates on another.*
4. *The wording lifted from the Charter or the Statutory Resolution, which is therefore not open to amendment, is printed in bold italic type.*

Rule 1

- Rule 1.1

- Footnote 1 now reads: "See Article 6.1 of the Charter."

- Rule 1.2

- Change footnote 2 to read: "See Article 6.2 of the Charter."

Rule 2

- Rule 2.1

- 2nd line of 1st paragraph: replace the words "of Article 2" by the words "of Articles 2 and 3".

- 2nd paragraph, insert the following second sentence: "***This procedure shall provide, in particular, for consultation in each member state of the relevant associations and/or institutional bodies and shall specify the principles to be adhered to in apportioning Representatives in the two Chambers³***", with the following footnote³: "³ See Article 3.1 of the Charter."

- Change the 3rd paragraph to read: "Where a member country, on the basis of the first transitional provision of the Charter, as provided for in Article 2, paragraph 1 thereof, wishes to send delegates to the CLRAE who do not hold a local or regional electoral mandate but are directly responsible to a local or regional elected body, its official procedure for appointing the delegation should state it openly and specify the offices and conditions of dismissal of the delegates concerned which it deemed were in conformity with the first transitional provision of the Charter."

- Rule 2.2

1st paragraph, second line: delete the word "prochaine" (French text only) and add to the end of the sentence the words: "for the first time".

Rule 2a

- Rule 2a.1

- 4th line, delete the word "prochaine" (French text only).
- 5th line, replace the words: "five weeks" with the words: "in good time".
- 6th line, replace the word "and" at the beginning of the line by "in order to be able to".
- Last sentence, after the word "Charter", replace the words "shall be replaced" by the following: "may be deprived of their daily allowances and excluded pending their replacement".

- Rule 2a.2

- 1st paragraph, after the word "body,", add: "in keeping with Article 2.1 and the first transitional provision of the Charter,".
- 2.i: after the word "revoked", add the word "individually", and after the word "organ", add the words: "in the conditions laid down by law".

- Rule 2a.3

- 2nd line, replace the words "Article 2" by: "the first transitional provision".

Rule 2b

- Rule 2b.2

- Footnote: replace the reference to Article 2.5 of the Charter by a reference to Article 2.6 of the Charter.
- Add the following second and third sentences: "*In addition, the composition of national delegations may be amended to take account of the altered political situation following local and/or regional elections.* The President of the Congress shall be notified of such amendments at latest one month before the plenary session."

Rule 3

- Rule 3.2

- For the sake of clarity, add the following words: "for the duration of the sitting concerned".

- Rule 3.3

- The numbering of the Rules referred to will have to be revised because of the introduction of new rules concerning committees.
- 3rd line, after the word "Chairman" add the words: "of a statutory Committee or".

Rule 6

- Rule 6.1

- The footnote should read: "See Article 5.1 of the Charter" (instead of 4.1).

- Rule 6.4

- Immediately after "CLRAE" add: ", the statutory Committees".

Rule 7

- Rule 7.2

- Last paragraph: add "Statutory Committees and" to the beginning of the sentence and change the upper-case "A" of "*Ad hoc*" to lower case.

- Rule 7.3

- When the new numbering of the Rules of Procedure is known, the reference to "Rules 2, 2a and 2b" in the last line should be rectified accordingly.

- Rule 7.4

- In the French text, replace the feminine form "invitée spéciale" in the first paragraph by the masculine form "invité spécial".

Rule 9

- Rule 9.1

- Delete footnote 1.
- Footnote 2 should now refer to Article 14.1 of the Charter instead of Article 13.1.

- Rule 9.2

- Replace the words "Head of the Congress Secretariat" by "Chief Executive of the Congress^{new footnote number}".
- New footnote to read: "Pending the election of the Chief Executive of the Congress, as provided for in Article 15 and in the second transitional provision of the Charter, this function will be performed by the Head of the Congress Secretariat."

Rule 10

- Rule 10.1

- Replace this paragraph as follows: "The President of each Chamber, elected from among its members having representative status, and their seven Vice-Presidents, shall be the Vice-Presidents of the Congress."

- Rule 10.4

- Rectify the reference to Rule 14 in keeping with the new numbering.

Rule 11

- Rule 11.1

- Add an "s" to the word "fonction" in the French text.

- Rule 11.2

- Line 2, replace "a substitute" by "a representative to replace him from".

Rule 12

- Rule 12.1

- Change this paragraph to read as follows: "*The Standing Committee shall act on behalf of the CLRAE between sessions¹.*"
- The footnote now reads: "Article 8.1 of the Charter" (instead of 7.1).

- Rule 12.3

- Replace the first two sentences of this paragraph by the following three sentences: "The Standing Committee shall consist of two representatives from each national delegation, who shall be full members. The members of the Bureau of the CLRAE shall be full members of the Standing

Committee *ex officio*. If any members of the Bureau of the CLRAE are substitutes, the national delegations concerned may appoint representatives as their alternates."

- The existing fourth sentence should read as follows: "The CLRAE shall also elect alternates within the limit of two alternates per full member, belonging to the same national delegation as the member."

- And footnote 1 should refer to Article 8.2 of the Charter (instead of 7.2).

- Rule 12.3bis

- Add ", but *only during its plenary meetings*²" to the end of this sentence.

- Footnote 2 reads: "See Article 4.2 of Statutory Resolution (2000)1".

- Add the following sentence to this paragraph: "One substitute of the President of the Congress may attend a meeting of the Standing Committee in chamber if the President does not attend."

- Rule 12.3ter (new)

- Add the following new paragraph:

"The Standing Committee may invite the Chairpersons of the political groups to its meetings in a consultative capacity. It may also invite the Chair and/or the Rapporteur of a statutory Committee to attend all or part of a meeting. And it may hold joint meetings with one or more statutory Committees. Decisions to this effect shall be taken by the Bureau of the Congress and the Bureaux of the two Chambers."

- Rule 12.4

- End of second line: before the word "joint" add the words: "statutory Committees or".

- Last sentence: rectify the reference to Rule 34 (new numbering).

- Rule 12.5

- Replace "Article 10.2" by "Article 11.2".

- Rule 12.6

- Rectify the reference to Rule 28 in keeping with the new numbering.

- Rule 12.8

- Second sentence: delete the end of the sentence, after "Standing Committee".

- Rule 12

- (NB: All the paragraphs of this Rule need renumbering.)

Rule 13

- Rule 13.1

- Rewrite this paragraph as follows:

"The Bureau of the CLRAE shall be responsible, in the period between the sessions of the Standing Committee and the Congress, for ensuring the continuity of the Congress's work.

It shall perform the tasks entrusted to it by the Standing Committee or by the Congress.²"

- The corresponding footnote should read "See Article 9.1 of the Charter".

- Rule 13.2

- Replace this paragraph as follows: *"The Bureau shall also be responsible for the preparation of the plenary session of the CLRAE, the co-ordination of the work of the two Chambers, in particular the distribution of questions between the two Chambers, the co-*

*ordination of the work of the statutory Committees, preparation of the budget and the balanced allocation of budgetary resources between the Congress and the two Chambers.*³"

- The footnote to read: "See Article 9.2 of the Charter and Rule 21 (new) of these Rules of Procedure".

- Rule 13.3

- Insert the former paragraph 13.2 as 13.3, deleting the words "who shall not be entitled to vote at the Bureau".

- The footnote should refer to Article 9.3 of the Charter (instead of 8.2).

- Delete the existing paragraph 13.3, which is now included in 13.1.

- Rule 13.4

- After the word "observers", insert: "and the Chair and/or Rapporteur of a statutory Committee".

- Conclude the paragraph with the following sentence: "When it sees fit, the Bureau may invite the Chairpersons of the political groups to its meetings in a consultative capacity."

Rule 14

- Rule 14.3

- The footnote should now read: "See Article 2.1.d) of Statutory Resolution (2000) 1".

Rule 16

- "Statutory Resolution (2000) 1" replaces "Statutory Resolution (94) 3" in the second line.

- In the English version, delete the word "draft" from the first line.

Rule 17

- Rule 17.5

- In the second line, after "competent", add: "statutory Committee or".

Rule 18

- Rule 18.2

- Insert a footnote 1 after the word "sitting", reading as follows: "See Rule 38.7 (new) of these Rules of Procedure."

Rule 19

- Rule 19.2

- Rectify the reference to Rule 18.2 (new numbering).

Rule 20

- Rule 20.4

- Replace the reference to Rule 32 by a reference to Rule 21 (new).

Rule 21 (new) "Reference to committee"

1 "The Bureau of the CLRAE shall consider all requests for an opinion presented by the Committee of Ministers or the Parliamentary Assembly, all proposals presented by the

representatives and admitted for future examination, all proposals presented by a statutory Committee as well as all memoranda submitted by special guest delegations or organisations enjoying observer status with the CLRAE. It shall decide to refer them to a statutory Committee or to a committee of a Chamber, or to submit them to a statutory Committee or to a committee of a Chamber for information, or, exceptionally, to set up a working group, or to take no further action."

2 "Reference to a statutory Committee or to a committee of a Chamber shall be accompanied by clear terms of reference, appended to the decision of the Bureau and transmitted to the Committee or the Chamber committee concerned."

3 "Reference to a statutory Committee or to a committee of a Chamber shall lapse after two years or, at the request of the committee concerned, by decision of the Bureau."

Rule 21 (existing version)

- Rule 21.1

- Add "by the competent body" to the end of the paragraph.

- Rule 21.2

- In the first line, change the word "delegates" to "representatives", and in the last line, rectify the reference to Rule 17 in keeping with the new numbering.

- At the end of the paragraph, add: "and of reports concerning the verification of the credentials of representatives, substitutes and special guests".

Rule 22 (existing version)

- Rule 22.1

- First line: replace "it in" by "in it".

- Second line: after "presented by", add "a statutory Committee or".

Rule 23 (existing version)

- Rule 23.4

- Second sentence: after the words "Rapporteur of", add: "the statutory Committee or".

- Rule 23.6

- Last line: before the words "the working group", add: "the statutory Committee,", and delete the word "of" before "the Chamber".

- Rule 23.8

At the end of the first sentence, before "working group", add: "statutory Committee or".

Rule 24 (existing version)

- Rule 24.3

- After "Chairman of" in line 2, add "a statutory Committee or".

- Rule 24.6

- Delete the footnote.

- Rule 24.7

- Delete the second sentence.

- In line 4, after "co-rapporteurs and", delete "rapporteurs for opinion" and replace by "Chairmen of statutory Committees".

Explanation: In view of the new provisions of Articles 9 and 11.2 of the Charter, there will no longer be any rapporteurs for opinion in the Congress or the Chambers, but only before the Standing Committee and only on an exceptional basis.

- **Rule 24.8** (erroneously numbered 9 in the French text)

- Second line: before "working group", add "statutory Committee or".

Rule 25 (existing version)

- **Rule 25.1.e**

- Replace "to the working groups" by "to the committee or working group".

- **Rule 25.2**

- Delete the article "la" before "priorité" in the French text.

- **Rule 25.3**

- Second line: before "working group", add "statutory Committee or".

Rule 26 (existing version)

- **Rule 26.2**

- The reference to "Rule 3 or Rule 14.2" should be rectified in keeping with the new numbering.

Rule 27 (existing version)

- **Rule 27.1**

- *(Stylistic improvement concerning the French text only.)*

- **Rule 27.3**

- For the sake of clarity, in the penultimate line, after "result", add ", with figures".

- **Rule 27.4**

- First line: replace the word "appointments" by "elections".

Rule 28 (existing version)

- **Rule 28 a and b**

- Merge these two paragraphs into a single paragraph "a", to read as follows: "In respect of the adoption of a Recommendation or an Opinion of the CLRAE¹, or of decisions to admit a motion tabled by representatives for future examination, to adopt the urgent procedure, to withdraw or suspend a delegation's special guest status or to set up a statutory Committee, a two-thirds majority of the votes cast."²

- Footnote 1 should then refer to Article 13.1 b) of the Charter (instead of Article 12.1 b)).

- A new footnote 2 should read: "See Rule 27.1 of these Rules of Procedure", and should subsequently be rectified in accordance with the new numbering.

- Paragraph "c" now becomes paragraph "b" and paragraph "d" becomes paragraph "c".

- Rule 28 c (existing version)

- Replace the word "appointments" by "elections"³, with the following footnote: "³ For practical details of election procedures, other than the election of the Presidents of the Congress and the Chambers, see Appendix 1 to these Rules of Procedure."

- After the words "votes cast", insert a footnote to read as follows: "⁴ See Rule 27.4 of these Rules of Procedure", and rectify the number of the Rule in accordance with the new numbering.

- Rectify the reference to Rule 9 (new numbering).

- Add the following sentence to the end of the paragraph: "In the event of a tie, lots shall drawn."

- Rule 28 d (existing version)

- In the French text only, change the upper-case "R" of "Résolution" to lower-case.

- Delete the word "simple", which serves no useful purpose.

Rule 29 (existing version)

- Rule 29.1

- Second line of the French text, replace the word "adopter" by "approuver" (*consistent with the term used in Rule 30*).

- Rule 29.6

- Rectify the reference to Rule 25 (new numbering).

Rule 30 (existing version)

- Rule 30.3

- Change the word "adoption" to "approval" (*for consistency*).

Rule 31 (existing version)

- Rule 31.2

- Replace the phrase "to a working group, to a Chamber" by: "to a statutory Committee, a working group or a Chamber".

Introduce a new Chapter XI on statutory Committees, as follows:

"Chapter XI (new) - "Statutory Committees"

Rule 32 (new) Constitution of statutory Committees

1 "In the course of each ordinary session for which the national delegations are renewed, the CLRAE shall constitute the following statutory Committees:

- an Institutional Committee;
- a Culture and Education Committee;
- a Committee on Sustainable Development;
- a Committee on Social Cohesion."

2 The criteria for the apportionment of seats on the statutory Committees shall be determined by the CLRAE¹ in such a way as to guarantee the principle that each member of the Congress shall have the right to one seat on a Committee.² Both representatives and substitutes in the Congress may be full Committee members. However, the total number of full members of Committees,

including the Standing Committee, to which each country is entitled equals the number of seats its national delegation has in the Congress.

-(Footnotes:)

"¹ See Appendix 2 to these Rules of Procedure for the criteria for the apportionment of seats on Committees adopted by the Bureau at its meeting on 29 February 2000."

"² See Article 5 of Statutory Resolution (2000) 1"

3 "A maximum of two alternates shall be appointed for each statutory Committee member, from the same national delegation as the member."

4 "The national delegations shall address candidatures for the statutory Committees to the President of the Congress no later than the day preceding the opening of the session. The President shall submit them to the Congress for approval or, between sessions, to the Standing Committee or, failing that, the Bureau. Any objection shall be submitted by the President of the Congress to the national delegation concerned. In the event that confirmed nominations or new nominations should give rise to objections, the Congress or the Standing Committee shall settle the matter by secret ballot as swiftly as possible."

5 "The Congress may decide to set up any other statutory Committee it considers necessary to its work, within the priorities of the Council of Europe and within the limits of its budget. It shall inform the Committee of Ministers of any such decision."

Rule 33 (new) "Powers of the statutory Committees"

1- "The Institutional Committee shall be responsible in particular for preparing reports on the situation of local and regional democracy in the member states and in states applying for membership, for regionalisation in Europe and for monitoring all specific questions related to local and regional democracy in the member states. The institutional committee of the Chamber of Local Authorities shall be responsible, with its independent experts, for monitoring the European Charter of Local Self-Government. The institutional committee of the Chamber of Regions shall monitor institutional developments in the regions of Greater Europe on the basis of the corresponding texts adopted by the Congress;¹

- the Culture and Education Committee shall also be responsible for the media, youth, sport and communication;
- the Committee on Sustainable Development shall also be responsible for the environment and spatial and urban planning;
- the Committee on Social Cohesion shall also be responsible for issues concerning employment, citizenship, inter-community relations, public health and equality between women and men.

(Footnote) ¹ See Article 2.3 of Statutory Resolution (2000) 1."

2 "The Committees shall examine all matters referred to them in keeping with Rules 13.2 and 21 (new) of these Rules of Procedure. They may also address any other subject within their sphere of interest, but without this leading to the preparation of a report or the organisation of a conference unless agreed by the Bureau."

3 "The Committees shall be responsible for following up the texts adopted by the Congress on the strength of their reports. They shall also follow the intergovernmental activities of the Council of Europe and of the Parliamentary Assembly Committees within their respective spheres of competence as defined in paragraph 1 above."

4 "In the event that a Committee should consider that it lacks competence to examine a question, or of a dispute over competence between two or more Committees, the problem shall be submitted to the Bureau."

Rule 34 (new) "Committees of the Chambers"

1 "The statutory Committees shall comprise a committee of the Chamber of Local Authorities and a committee for the Chamber of Regions, *which may meet separately, but only during plenary meetings of the Committees*. The committees of the Chambers shall examine questions and adopt reports that fall within the exclusive scope of the corresponding Chamber of the Congress. *Any matter considered by a committee of a Chamber may not be considered by a plenary meeting of that Committee.*¹

(Footnote) ¹ See Article 4.2 of Statutory Resolution (2000) 1"

2 "At its first meeting each committee of a Chamber shall elect its Chair, who shall be *ex officio* Vice-Chair of the statutory Committee. It shall also elect a Vice-Chair."

3 "The provisions of these Rules of Procedure concerning the statutory Committees shall apply, *mutatis mutandis*, to the committees of their Chambers."

Rule 35 (new) "Chairs of the statutory Committees"

1 "The Chair shall be elected at the first meeting of the Committee following its constitution."

2 "Pending the election of the Chair of the Committee, the duties of the Chair shall be discharged by the oldest member present, and no discussion shall take place unless it is concerned with the election of the Chair."

3 "Only full members may stand for election to the Chair of that Committee. If there is only one candidate, that candidate shall be declared elected without a vote. Candidatures shall be presented to the secretariat at least one hour before the opening of the Committee's first meeting."

4 "The election shall be held by secret ballot. Two tellers drawn by lots shall count the votes, assisted by the secretariat."¹

Footnote: ¹ See Rule 28b of these Rules of Procedure"

5 "The Chair and Vice-Chairs of a Committee shall remain in office until the opening of the next session during which the national delegations are renewed. They may be re-elected only once."

6 "The Chair and Vice-Chairs of a Committee shall co-ordinate the Committee's work."

Rule 36 (new) "Meetings of statutory Committees"

1 "The statutory Committees shall meet at the convocation of their Chairs, within the limits of the budgetary resources allocated by the Bureau of the CLRAE."¹

"The Institutional Committee shall normally be authorised to hold one more meeting per year than the other statutory Committees."

(Footnote) ¹ "See Article 9.2 of the Charter"

2 "The statutory Committees shall normally meet in Strasbourg or Paris. Where appropriate, the Bureau may authorise them to hold meetings elsewhere."

3 "Unless a Committee decides otherwise, Committee meetings shall not be public."

4 "A representative at the origin of a proposal referred to a Committee who is not a member of that Committee may be invited to take part in the Committee's work in a consultative capacity."

5 "A representative or substitute who is not a member of the Committee may attend a meeting of the Committee at his or her own expense. He or she may take the floor only with the authorisation of the Chair and shall not have the right to vote."

6 "In keeping with the provisions of Rule 7.2 of these Rules of Procedure, the statutory Committees may invite members of special guest delegations to attend all or part of certain of their meetings, without the right to vote."

Rule 37 (new) "Procedure in the Committees"

1 "Unless otherwise stipulated, the procedure followed in the work of the Congress shall apply to the Committees."

2 "Votes taken in Committee shall be carried by a majority of the votes cast.¹ Voting shall be by show of hands."

(Footnote)¹ "Only affirmative and negative votes shall count in calculating the number of votes cast (Rule 27.1 of the Rules of Procedure)."

3 "A Committee may deliberate, decide the orders of the day, approve minutes and agree to adjourn, regardless of the number of members present.

It shall not elect its Chair or take any other decision unless one third² of its members³ are present.

However, a quorum shall be considered to exist if, before any decision other than those referred to in the first paragraph above, the Chair is not asked by two members of the Committee to ascertain the number of those present.

In the absence of a quorum, the decision shall be postponed until the next meeting of the Committee."

(Footnotes:)

² "If the number of members of a Committee is not divisible by 3, the quorum shall be calculated on the basis of the multiple of 3 immediately below the number of members."

³ "The number of members of a Committee is the number of members of the Congress whose appointment to the Committee has been confirmed by the Congress in keeping with Rule 32.4 (new) of these Rules of Procedure."

4 "Between sessions all documents related to items on the agenda of a Committee meeting shall be sent to the members at least two weeks prior to the date of the meeting.¹ If this deadline is not respected and at least five members so request, examination of the items concerned shall be postponed until a later meeting."

(Footnote)¹ "According to the postmark date."

5 "The Chair may take part in the Committee's discussions and votes, but shall not have a casting vote."

6 "A full member of a Committee who is unable to attend a meeting shall be replaced by an alternate from the same national delegation. The member concerned shall give due notice of the change to the President of the delegation concerned and the Secretariat of the Congress."

7 "Unless the Committee decides otherwise, only reports approved by the Committee and communications and lists of decisions drawn up under the responsibility of the Chair shall be made public."

Rule 38 (new) "Reports of statutory Committees"

- Insert the text of Rule 34 from the existing Rules of Procedure, replacing the terms "joint working group(s)" and "working group(s)" by "statutory Committee(s)" throughout.
- In 34.1, second line (English text only) replace the word "introducing" by "presenting".
- In 34.2 (French text only) Replace "de la Chambre" by "du Congrès".
- In 34.5, delete "taking into account the task entrusted to it,".

- Add a new paragraph 7, as follows:

"7 (new) With the exception of reports submitted in application of the urgent procedure, reports of statutory Committees shall be distributed at least twenty days before the opening of the session at which they are to be discussed.¹ If this deadline is not respected and at least ten representatives from at least two national delegations so request when adopting the draft order of business, the discussion shall be adjourned before the Standing Committee or until the following session."

(Footnote) ¹ Between sessions the date of distribution is the postmark date. See Rule 21.2 of these Rules of Procedure (*rectify later in keeping with new numbering*).

NB: The numbering of all references to the Rules of Procedure in this Rule will need to be revised.

Chapter XII (new) "Working groups"

Rule 32 (existing version)

Rule 32.1

- First line: replace the reference to Article 8 of the Charter with a reference to Article 9.
- Second line: between "may" and "set up", insert the word "exceptionally".
- Last line, after "project" and before the footnote number, add: "or to specific intergovernmental activities of the Council of Europe".
- The footnote should then read: "¹ Article 10.1 of the Charter" (instead of 9.1).

Rule 32.2

- Before "set up", insert the word "exceptionally".
- Before "working group", insert the words "*ad hoc*".
- The footnote should read: "² Article 10.2 of the Charter" (instead of 9.2).

Rule 32.3

- Delete this paragraph.

Rule 32.5

- Last line: change the initial letter of "Session" from upper to lower case.

Rule 33 (existing version)

Rule 33.1

- In the reference to the Charter, replace "Article 8.1" by "Article 9.2".

-Rule 33.3 c

- Change the last sentence to: "In the event of a tie, lots shall be drawn."

NB: all references to the Rules of Procedure will have to be revised in the light of the new numbering.

Rule 34 (existing version)

- Replace the existing text, after the heading, with the following:

"The provisions of Rule 38 (new) of these Rules of Procedure, concerning statutory Committee reports, shall apply, *mutatis mutandis*, to the reports of joint working groups."

Rule 35 (existing version)

- Give this Rule the heading: "**Adoption of texts**".

Rule 35.1

- Add the following text to the end of the paragraph: "*No question may be considered in both Chambers. Any matter in which both Chambers would have an interest shall be considered in the CLRAE.*"

- The footnote should now refer to Articles 9.2 and 11.1 of the Charter (instead of 10.1).

Rule 35.2 a

- Delete the words "if necessary after obtaining the opinion of the other Chamber, but". And at the end of the paragraph, add the following sentence: "*In exceptional cases the Bureau of the Congress may authorise the other Chamber to formulate an opinion on these draft texts.*"

Rule 35.2 b

- The footnote should refer to Article 11.2 of the Charter (instead of 10.2).

Rule 35.4

- Delete this paragraph.

Explanation: see Article 11.2.a of the Charter.

Rule 36 (existing version)

Rule 36.6

- The footnote should refer to Article 10.4 of the Charter (instead of 9.3).

Rule 36.7

- Before "joint working groups", insert the words "statutory Committees and".

Rule 37 (existing version)

- After "Standing Committee", insert the words "or a statutory Committee".

Rule 39 (existing version)

- Second paragraph: insert the words "statutory Committee and" before "working group".

- The reference to Rule 38.3 will need to be rectified (new numbering).

Rule 41 (existing version)

Rule 41.1

- Add a 13th item to the list, to read:

"13. any other document considered as an official document by the President of the Congress."

Rule 41.2

- Last line: replace the words "one month" by "twenty days".

Explanation: Consistency with the deadline mentioned in Rule 21.2.

Rule 42 (existing version)

Rule 42.1

- After the word "Bureau", insert the words "statutory Committee".

Rule 42.2

- Second line (French text only), add a comma after "invité spécial".
- The reference to Rule 36 will have to be rectified.

Rule 43 (existing version)

Rule 43.1

- Between "Each" and "working group", insert the words "statutory Committee, each".

Rule 44 (existing version)

Rule 44.1

- Replace the words ", who will inform the Committee of Ministers thereof" by "and to the Committee of Ministers".

- Footnote 1 should now refer to Article 16 of the Charter (instead of Transitory Provision 4.c).

Rule 44.3

- Rewrite this paragraph as follows:

"Under the provisions of Article 16 of the Charter, the Bureau of the CLRAE shall be responsible for managing the budget of the Congress, within the framework of the budgetary resources allocated to it and of the priorities of the Council of Europe, and in compliance with the latter's financial regulations."

Rule 44.4

- (French text only) Replace "informera" by "informe".

Rule 45 (existing version)

- Change the heading to "Secretariat of the CLRAE"¹

- Rewrite the Rule as follows:

*"1. The Secretariat of the Congress shall be provided by the Chief Executive of the Congress, elected by the Congress."*²

2. The Chief Executive shall be answerable to the Congress and its organs and act under the direct authority of the Secretary General of the Council of Europe.

3. The Secretary General of the Council of Europe shall appoint a Deputy Chief Executive, following consultation of the Bureau of the Congress.

4. The Secretary General of the Council of Europe shall appoint the Secretary of each Chamber following an informal exchange of views with the President of the Chamber concerned, during which he or she shall communicate his or her intentions and the reason for his or her choice."

(Footnotes:)

- "¹ See Article 15 and the second transitional provision of the Charter"

- "² Appendix 3 to these Rules of Procedure lays down the procedure for electing the Chief Executive of the Congress, as submitted to the Standing Committee for adoption on 25 May 2000."

Rule 46 (existing version)

Rule 46.2

- The numbering in references to the Rules of Procedure will need to be rectified.

Rule 46.2 b

- Insert a comma between "representatives" and "including" in the second line.

Rule 47 (existing version)

Rule 47

- NB: The numbering of the Rules referred to will require rectification.

APPENDIX 1 TO THE RULES OF PROCEDURE OF THE CLRAE

Practical arrangements for elections other than those of the Presidents of the Congress and the Chambers

1. Such elections shall be held in the following places:
 - if the organ concerned is meeting in the hemicycle: in the area behind the President's rostrum;
 - if the organ concerned is meeting in a meeting room in the Palais de l'Europe: at the entrance to the room.
2. A specific time-limit shall be set for these elections, but:
 - the meeting shall not be interrupted following the announcement of the start of the voting, after a possible brief presentation of the candidates and the appointment of two tellers by drawing of lots;
 - the members of the Congress (representatives and properly appointed substitutes) or the Chambers shall not be called to vote individually, but rather shall place their ballot papers in the ballot box at any time within the specified time-limit.
3. The register of voters and the ballot box shall be placed on a table in one of the above-designated places; there shall be a second table on which members can fill out their ballot papers.
4. The members of the Congress or the Chambers shall sign the register of voters in the presence of a member of the Secretariat.
5. In elections in the Congress, by signing the register a substitute prevents the representative whom he or she is replacing from taking part in the election (and also from serving as an *ad hoc* substitute to any other representative who is absent).
6. In cases of doubt or dispute about a member's entitlement to vote, the matter shall, if necessary, be submitted to the President, who shall take the final decision; no points of order shall be permitted.
7. After verification that a member is entitled to vote, he or she shall be issued with a ballot paper.
8. Voters shall place their ballot papers in the ballot box.
9. On expiry of the specified time-limit, the President shall ask whether any more members wish to vote and, when all the votes have been cast, shall declare the voting closed.
10. Ballot papers shall be counted outside the meeting room directly after the vote, under the supervision of the two tellers assisted by the Secretariat.
11. The result shall be announced by the President, if possible before the close of the sitting or else at the opening of the following sitting.
12. The notices of proceedings shall contain detailed information on the running of the election.

APPENDIX 2 TO THE RULES OF PROCEDURE OF THE CLRAE

Apportionment of seats on committees

At its meeting on 29 February 2000 the Bureau of the Congress adopted the following criteria for the apportionment of seats on committees by country:

1. **Countries with 2 seats: Andorra¹, Liechtenstein¹ and San Marino¹**
1 member on the Standing Committee
1 member on whichever one of the four statutory Committees the country chooses
2. **Countries with 3 seats: Cyprus¹, Estonia¹, Iceland¹, Latvia, Luxembourg¹, Malta¹, Slovenia¹ and “the former Yugoslav Republic of Macedonia”¹**
1 member on the Standing Committee
1 member on two of the four statutory Committees (at the country’s discretion)
3. **Countries with 4 seats: Albania, Ireland and Lithuania**
2 members on the Standing Committee: 1 L and 1 R
1 member on two of the four statutory Committees (at the country’s discretion)
4. **Countries with 5 seats: Croatia, Denmark, Finland, Georgia, Moldova, Norway and Slovakia²**
2 members on the Standing Committee: 1 L and 1 R
1 member on the Institutional Committee: L or R
1 member on two of the three other statutory Committees (at the country’s discretion)
5. **Countries with 6 seats: Austria, Bulgaria,¹ Sweden and Switzerland**
2 members on the Standing Committee: 1 L and 1 R
1 member on each of the four statutory Committees (L and R)
6. **Countries with 7 seats: Belgium, Czech Republic,³ Greece, Hungary, Netherlands and Portugal**
2 members on the Standing Committee: 1 L and 1 R
2 members on the Institutional Committee: 1 L and 1 R
1 member on each of the three other statutory Committees
7. **Countries with 10 seats: Romania**

¹ These countries do not have regions as understood in Recommendation 56 (1999).

² Slovakia does not yet have regions as understood in Recommendation 56 but is in the process of establishing them.

³ The Czech Republic does not yet have regions as understood in Recommendation 56 but has decided to establish them and is proceeding to do so.

2 members on the Standing Committee: 1 L and 1 R
2 members on each of the four statutory Committees: 1 L and 1 R

8. **Countries with 12 seats: Poland, Spain, Turkey and Ukraine**

2 members on the Standing Committee: 1 L and 1 R

2 members on each of the four statutory Committees: 1 L and 1 R

Plus an additional member on two of the four statutory Committees at the country's discretion: 1 L and 1 R

9. **Countries with 18 seats: France, Italy, Germany, United Kingdom and Russian Federation**

2 members on the Standing Committee: 1 L and 1 R

4 members (2 L and 2 R) on each of the four statutory Committees

APPENDIX 3 TO THE RULES OF PROCEDURE OF THE CLRAE

Election of the Chief Executive of the Congress

In conformity with the provisions of Article 15 of the Charter, *the Chief Executive of the Congress shall be elected by the Congress.*

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 opinion. Following examination of these candidatures, the Bureau shall submit a list of candidates to the vote of the Congress.

The Congress shall elect its Chief Executive for a renewable term of five years, without the age limit applicable to all Council of Europe staff being exceeded.

The Standing Committee, on behalf of the Congress, shall establish the procedure for the election of the Chief Executive of the Congress.

*

* *

The following election procedure will be submitted to the Standing Committee for approval at its meeting on 25 May 2000.

Procedure for the election of the Chief Executive of the CLRAE

1. Vacancy notice

The post of Chief Executive shall be advertised by means of a Vacancy Notice under an external recruitment procedure, prepared by the Secretary General and specifying the requisite qualifications.

2. Submission of applications

- a. Candidates shall be free to submit their applications directly.
- b. Applications must reach the Secretary General of the Council of Europe by the closing date specified in the Vacancy Notice.

3. Preliminary consideration of applications

- a. Applications forwarded by the closing date shall undergo an initial examination by the Secretary General in the light of the requirements stated in the Vacancy Notice.

- b. Within a fortnight after the closing date specified in the Vacancy Notice, the Secretary General shall transmit to the President of the Congress the list of candidatures received, indicating the ineligible candidates (list A) and the candidates meeting the requirements as stated in the Vacancy Notice (list B).

4. Nomination of candidates

- a. The President of the Congress and the Presidents of each Chamber shall meet in order to:
 - i. examine the list of candidatures transmitted by the Secretary General. Some candidates may be asked to attend an interview;
 - ii. draw up from the list of candidates deemed eligible by the Secretary General a short list of not more than five names for submission to the vote of the Congress.

In drawing up the short list, the President of the Congress and the Presidents of the Chambers shall have particular regard to the following requirements:

- i. Recruitment of persons of the highest competence, integrity and aptitude for the post to be filled.
 - ii. 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.
 - iii. Need for equitable geographical distribution of vacancies among nationals of member states. This Secretariat appointment shall not be considered the prerogative of any one member state.
 - iv. 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.
- b. The President of the Congress and the Presidents of the Chambers shall report to the Bureau of the Congress, which shall take the decision to transmit the final list of candidates to the members of the Congress.
 - c. The final list and the Curriculum Vitae of the short-listed candidates shall be transmitted to the members of the Congress not later than one week before the Session during which the election is to be held.

5. Procedure in the Congress of Local and Regional Authorities of Europe

- a. The Congress shall conduct the election.
- b. Voting shall be conducted by secret ballot. Two tellers chosen by lot shall count the votes cast.
- c. If, after the first ballot, no candidate has obtained an absolute majority of the votes cast by representatives appointed to the Congress, the candidate who gains a relative majority of the votes cast in the second ballot shall be declared elected. In the event

of a tie, the female candidate, if any, and otherwise the candidate who is senior in age, shall be declared elected.

6. Term of office

- a. The Chief Executive shall be elected for a term of five years and may be re-elected.
- b. The Chief Executive's term of office shall terminate when he/she reaches the age limit of that of officials of the Council of Europe, 65 years.

APPENDIX 4 TO THE RULES OF PROCEDURE OF THE CLRAE

HONORARY MEMBERSHIP

The title of "honorary member of the CLRAE" shall be bestowed by the Bureau:

1. on all former Presidents of the Congress and the Chambers when they are no longer members of the CLRAE;
2. at their request, on former Vice-Presidents of the Chambers and on Chairs of the committees when they cease to be members of the CLRAE;
3. at the request of the Chair of the national delegation of which they were members, on former members of the Congress or the old Standing Conference of Local and Regional Authorities of Europe who have been or were representatives or substitutes for at least ten (not necessarily successive) years.

At the first session following the end of their term of office, honorary members of the CLRAE shall be given a medal and a badge of honorary member.

All honorary members of the CLRAE shall have access, upon presentation of their badge, to the same places as the members of the Congress during the plenary sessions, with the exception of the committee meeting rooms while the committees are meeting.

At their request, which shall be renewed annually, they shall be included on the mailing lists for official documents of the Congress and its organs and given access to the non-confidential data bases.

They may be invited to special events of the Congress, Chambers or Committees at the initiative of the organisers.