

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 240 (2008)¹ Draft European charter of regional democracy

1. Strengthening local and regional democracy is one of the goals of the Council of Europe and particularly of its Congress, whose activities include support for the development of local and regional bodies in its member countries.

2. The Congress strongly supports the interest in the principles of regional democracy shown by the European ministers responsible for local and regional government at their last three conferences, in Helsinki on 27 and 28 June 2002, in Budapest on 24 and 25 February 2005 and in Valencia on 15 and 16 October 2007.

3. Despite their differing opinions on the necessary extent of regional self-government, member states seem to agree about the added value that good regional governance can bring.

4. With regard to local democracy, the Congress points out that the European Charter of Local Self-Government (ETS No. 122), opened for signature on 15 October 1985, is the defining legal reference instrument in the field. Having been ratified by practically all the Council of Europe member states, the charter plays a key role as an essential pillar in the construction of a Europe founded on human rights, democracy and the rule of law.

5. However, the regional level of governance is still under discussion, the subject of much deliberation, and is undergoing institutional reform in most Council of Europe member states, as analysed in the Congress study on “the current situation concerning regionalisation and the prospects for developing regional self-government in Council of Europe member states” (CPR(14)6REPADD) presented by Jean-Claude Van Cauwenberghe (Belgium, R, SOC) and examined during the Congress plenary session in May 2007.

6. A European legal instrument aimed at guiding institutional reform at regional level towards the strengthening of regional democracy does not exist to date.

7. The Congress draws attention to its Resolution 244 (2007) on the principles governing regional democracy: proposals and strategy and to the draft European charter of regional democracy appended to explanatory memorandum CPR(14)6REP, which has been the basis for a new debate on a legal instrument on regional democracy with a variety of stakeholders at European, national and regional level throughout 2007 and at the beginning of 2008.

8. During this consultation process, the Congress initiative to create a legal instrument on regional democracy and its 2007 draft charter have been largely welcomed and have received the strong support of the Parliamentary Assembly of the Council of Europe, the Committee of the Regions of the European Union and the main inter-regional organisations at European and international level.

9. The present draft European charter of regional democracy is therefore largely based on the provisions and the spirit of the 2007 draft. However, it also accommodates proposals made by the different stakeholders during the consultation process.

10. The Congress is still firmly convinced that, in spite of major legal and institutional differences on the subject, it is still desirable and feasible to provide a common general framework for regional democracy and to co-ordinate current or future processes relating to it.

11. It is with this in mind that the Congress has drafted the European charter of regional democracy appended to this recommendation.

12. In view of the above, the Congress recommends that the Committee of Ministers:

a. examine the appended draft European charter of regional democracy;

b. take the necessary steps towards the adoption of the draft European charter of regional democracy as a new Council of Europe convention;

c. open it for signature by the member states of the Council of Europe;

d. invite the member states of the Council of Europe to sign and ratify it at the earliest opportunity.

Appendix

Draft European charter of regional democracy

Preamble

The member States of the Council of Europe, signatory hereto,

Democratic developments in Europe

1. Convinced that the strengthening of local and regional democracy is one of the Council of Europe’s major concerns and that all the member States are under constant pressure to adapt their territorial structures of government;

2. Noting that the right of citizens to participate in the conduct of public affairs at all levels of government is one of the democratic principles that are shared by all the member States and that the exercise of that right at regional level contributes to the entrenchment of democratic values and the rule of law;

3. Recalling the results of the Conferences of European Ministers responsible for Local and Regional Government

held in Helsinki in June 2002, in Budapest in February 2005 and in Valencia in October 2007;

Identity and regional culture

4. Convinced that regional democracy helps to balance the effects of globalisation in the member States, particularly through regional policies of economic stimulation, social solidarity, cultural development and safeguarding of regional identities;

5. Taking into account the benefits of regional action in the fields of integration of minorities as well as in transfrontier and interregional co-operation;

6. Considering that regional entities bear witness, through their identities, to Europe's diversity and contribute to the enrichment of European cultures with due regard to national and regional traditions;

7. Bearing in mind the objectives of the European Charter for Regional or Minority Languages of 5 November 1992 regarding promotion of the regional linguistic heritage;

8. Affirming that regional democracy presupposes the existence of a level of regional authority endowed with democratically elected and freely organised decision-making bodies possessing a wide degree of autonomy and sufficient resources with regard to their responsibilities and the ways and means by which those responsibilities are exercised;

Regional democracy and central government

9. Respecting the diverse ways in which Europe's regions are organised and each state's competence for determining the scope of regional democracy and the conditions governing its exercise;

10. Recognising the interest of States which are at the start of a regionalisation process in gradually developing regional democracy;

11. Aware of the obligation of regional entities to respect in all their actions the principles of sovereignty, national integrity and the safeguarding of key national interests in the European integration process;

12. Considering that regional entities must contribute by their actions to stability and peace between European nations and peoples;

Regional democracy and local authorities

13. Emphasising the complementarity between the present Charter and the European Charter of Local Self-Government of 15 October 1985;

14. Asserting that regional democracy must not be achieved at the expense of the autonomy of local authorities;

Regional democracy and human rights

15. Aware of the importance of upholding the fundamental rights embodied in the Convention for the Protection of Human Rights and Fundamental Freedoms by regional entities;

Have agreed as follows:

Article 1:

Each Party undertakes:

– to consider itself bound by the principles and rules set out in Part I of the Charter;

– to consider itself bound by one of the paragraphs *a*, *b* or *c* under each of the Articles 23 to 28 inclusive in Part II;

– to consider itself bound by at least 27 of the 41 paragraphs in Part III. Articles consisting of a single paragraph shall be counted as one paragraph.

Article 2:

Each Contracting State shall, in its instrument of ratification, acceptance or approval, specify the communities or authorities within its borders which qualify as regional authorities within the meaning of this Charter.

Part I: Key elements of regional democracy

Article 3: Principle of democratic governance

The recognition and exercise of regional self-government is one of the elements of democratic governance, which means that regional authorities must be founded on democratic principles, on respect for human rights and on the pursuit of objectives of peace, stability, prosperity and solidarity-based durable development.

Article 4: Citizen participation

Regional authorities shall encourage the exercise of citizens' right to participate in the management of public affairs and shall aim to bring the administration closer to the public.

Article 5: Principle of subsidiarity

The allocation of public responsibilities to regional authorities shall be governed by the principle of subsidiarity, as applicable to the distribution of competences among all levels of government, which means that regional authorities shall assume those responsibilities which are best exercised at regional level on account of their scale, their nature and the requirements of efficiency and economy.

Article 6: Principle of good governance and administration

6.1. The exercise of regional self-government shall comply with the principles of informed decision-making and evaluation of decisions made, as well as pursue aims of flexibility, openness, transparency, participation and public accountability.

6.2. The performance of public tasks at regional level shall comply with the principles of good administration and good quality of public services.

Article 7: Concept and definition of a regional authority

7.1. For the purposes of this Charter, regional authorities are entities between central government and local authorities.

7.2. The present Charter does not preclude regional authorities from being considered a type of local authority within the domestic legal order, or a single authority from exercising the combined competences of both a local authority and a regional authority.

Article 8: Relations with local authorities

8.1. The relationship between regional authorities and local authorities shall be regulated according to the principles of local self-government as set out in the European Charter of Local Self-Government.

8.2. There are no hierarchical relations between regional authorities and local authorities, unless the country's constitutional or legal order explicitly so provides.

8.3. Regional authorities shall co-operate with local authorities in the pursuit of objectives of general interest and to meet citizens' needs.

Article 9: Principle of loyalty and respect for territorial integrity

9.1. The relationship between regional authorities and central government shall be based on the principle of mutual loyalty and equal dignity and shall entail respect for the unity, sovereignty and territorial integrity of the state.

9.2. Regional self-government necessarily entails compliance with the rule of law and the respect of the territorial organisation of every state whether in relations between central government and regional authorities, relations between regional authorities and other territorial authorities or relations between regional authorities and citizens.

9.3. Regional authorities shall take all appropriate measures to ensure fulfilment of the obligations arising from the Constitution or the law.

Article 10: Principle of cohesion

The exercise of regional self-government shall contribute to the central government's economic and social cohesion objectives and to central government activities aimed at achieving comparable living conditions and balanced development throughout the national territory, in a spirit of solidarity between regional authorities.

Article 11: Constitutional or legal basis of regional self-government

11.1. The principles of regional self-government and the existence of regional authorities shall be established by the Constitution, by law or by international treaty.

11.2. The conditions governing the creation, modification or abolition of regional authorities shall be determined by the Constitution or by law. Regional authorities shall be consulted before any measures are taken concerning their existence or changes to their territorial boundaries.

11.3. Regional competences shall be defined by the Constitution, by law and by the regional authorities' statutes.

Article 12: Scope of regional self-government

12.1. Regional authorities shall have the legal competence and the effective ability, within the limits of the Constitution and the law, to regulate and manage all matters of regional interest which are not excluded from their competences or attributed to another authority by the Constitution or by statute, under their own responsibility and in the interests of the population.

12.2. Regional authorities' own competences shall be full and exclusive. Within the limits of these competences, regional authorities shall have decision-making and administrative competences.

12.3. Within the statutory limits, competences may be delegated to regional authorities by central government, local authorities or other public authorities.

Article 13: Right of initiative

Regional authorities shall have full discretion to exercise their initiative in an area of responsibility which is not assigned to any other authority by the Constitution or by law.

Article 14: Regional elected bodies

14.1. The right of regional self-government shall be exercised by assemblies elected through direct, free and secret suffrage. This provision shall in no way affect recourse to citizens' assemblies, referendums or any other form of direct citizen participation, where it is permitted by law.

14.2. In exceptional, temporary circumstances, not exceeding ten years after the ratification of this Charter, assemblies democratically elected by the local authorities present in the region shall be permitted.

Article 15: Conditions of office of elected representatives composing regional bodies

15.1. The conditions of office of regional elected representatives shall provide for the free exercise of their functions, without prejudice to any mandates assigned to them by the authorities they represent. Members of the council or assembly shall have the right to express themselves freely.

15.2. Any functions and activities which are deemed incompatible with the mandate of regional elected representative shall be determined by law.

15.3. Only sanctions provided for by law may be taken against the elected members of regional bodies. They shall be proportionate to the importance of the interests they are intended to protect and shall be subject to judicial review. Suspension and dismissal shall be provided for solely in cases where the body concerned is unable to function or where serious breaches of the Constitution or the law have been found by a judicial or appropriate administrative authority independent of the body of which the elected representative is a member.

Article 16: Resources of regional authorities

16.1. Regional authorities shall have the right to own property.

16.2. Regional authorities shall be entitled to have financial resources that are provided for by law, foreseeable and sufficient for the effective exercise of their competences and responsibilities.

16.3. Regional authorities' resources shall be sufficiently diversified and provide them with reasonable stability on the one hand, and, on the other, enable them to keep pace with the real evolution of the cost of carrying out their tasks.

16.4. Financial transfers to regional authorities shall be governed by rules established by law and based on objective criteria relating to regional competences.

16.5. Any transfer of competence to regional authorities shall be accompanied by a transfer of corresponding financial resources.

16.6. State transfers to regional authorities should in principle not be earmarked.

Article 17: Self-organisation of regional authorities

Regional authorities shall freely determine their internal structures, their administrative system and their organisation, within the general framework defined by the Constitution, by law or by regional statutes.

Article 18: Right of association, inter-regional co-operation and external relations

18.1. Regional authorities and other territorial authorities shall be entitled, within the limits of the law and in matters falling within their competence, to define their mutual relations and co-operate with each other. They shall be entitled to form associations, including with other territorial authorities.

18.2. Regional authorities shall also have the right to be members of international organisations of regional and/or local authorities. Regional authorities shall be entitled to engage in interregional and transfrontier co-operation with territorial authorities of other countries, within the limits of their competence and in compliance with the law and the international commitments and foreign policy of the state.

18.3. Where the need arises regional authorities shall be involved in the activities of European and international institutions or be represented therein by bodies established for this purpose.

Article 19: Right to be consulted

Regional authorities shall be involved in all decision-making that affects their competences and essential interests.

Article 20: Supervision of regional authority acts

20.1. Any supervision of acts relating to regional authorities' own competences may be exercised only according to the procedures and in the cases provided for in the Constitution, by law or by statute. Such supervision shall be exercised in

such a way as to ensure that the intervention of the supervisory authority is kept proportionate to the importance of the interests which it is intended to protect. Such supervision shall be exercised only ex post facto.

20.2. Any supervision of regional authorities concerning the exercise of their own competences shall be aimed solely at ensuring their activities' compliance with the law and with constitutional principles. However, the supervision of the implementation of delegated powers or tasks of execution entrusted to them may include an appraisal of expediency and efficiency.

Article 21: Protection of regional self-government

Regional authorities shall be entitled to apply to a judicial authority to ensure respect for the free exercise of their powers and the principles of regional self-government enshrined in the Constitution or in law.

Part II

Article 22: Different forms of organisation of regional authorities

22.1. The regional democracy promoted by this Charter may find expression in different organisational forms: a federal system, a system of decentralised regional authorities or a local authority co-operation structure. In order to comply with the principles set out in Part I, each Party undertakes to consider itself bound by one of the paragraphs, a), b) or c), of each of the six articles below.

22.2. Each Contracting State, when depositing its instrument of ratification, acceptance or approval, shall notify to the Secretary General of the Council of Europe of the paragraphs selected in accordance with the provisions of article 1 of this Charter.

22.3. Reservations to the articles in Part I of this Charter are not admissible.

22.4. Any Party may, at any later time, notify the Secretary General that it considers itself bound by any paragraphs of this Charter which it has not already accepted under the terms of article 1 of this Charter. A party notifying to consider itself bound by any of the paragraphs a), b) or c) of Part II of this Charter shall cease to be bound by the previously subscribed paragraph of the same article. Such undertakings subsequently given shall be deemed to be an integral part of the ratification, acceptance or approval of the Party so notifying, and shall have the same effect as from the first day of the month following the expiration of a period of three months after the date of the receipt of the notification by the Secretary General.

Article 23: Guarantee of existence

a. The existence of regional authorities is guaranteed by the Constitution.

The existence or territorial boundaries of a regional authority may be interfered with only under the rules and procedures provided for by the Constitution.

b. The existence of regional authorities is provided for by the Constitution or by law.

The existence or territorial boundaries of a regional authority may be interfered with only under the rules and procedures provided for by the Constitution or by law.

c. Regional authorities can be set up in the form of groupings of local authorities according to conditions defined by law.

Article 24: Functions

a. The functions of regional authorities are determined by the Constitution.

In the areas relating to their own functions regional authorities are fully empowered to exercise standard-setting (legislative or regulatory), decision-making and administrative powers.

Where functions are delegated to regional authorities by other public authorities, regional authorities must be able to adapt their exercise to the conditions specific to the region.

b. The competences of regional authorities are determined by the Constitution or by law.

Regional authorities have decision-making and administrative competences of their own. These powers must enable them to adapt and implement policies specific to them.

c. The competences of regional authorities are determined by law or by their statutes.

States and other public authorities may delegate competences to them or assign implementing tasks to them.

Article 25: Resources

a. Regional authorities' resources and the conditions of their use are determined by the Constitution.

b. Regional authorities must have resources of which they can dispose freely.

A significant proportion of those resources must derive from taxes and charges whose rates they are empowered to determine within the limits provided for by law.

c. Regional authorities' resources and their conditions of use are determined by law or by their statutes.

These resources can consist of contributions from member authorities.

Article 26: Principal bodies

a. Regional authorities have an assembly elected by direct universal suffrage in a free and secret ballot.

The bodies responsible for exercising executive functions are accountable to this assembly.

b. Regional authorities have an assembly elected by direct universal suffrage.

Executive bodies are appointed or elected by the assembly or elected by the population. They report on their activities to the assembly.

c. Pending reform relating to the direct election of the regional assembly, it shall temporarily be made up of elected representatives of the local authorities which make up the region. Such exception shall not exceed ten years after the ratification of this Charter.

Article 27: Supervision

a. Central government supervision of regional authorities shall be provided for by the Constitution and shall aim only to ensure that their action complies with the rules governing them.

It shall be possible to refer any dispute between central government and a regional authority to a constitutional judicial authority.

b. Supervision of regional authorities shall be provided for by the Constitution or by law.

c. Supervision of regional authorities is determined by law or their statutes.

Article 28: Co-operation with other levels of public authorities

a. Regional authorities may be vested with powers to organise, to assign competences to and supervise local authorities, while complying with the principles of the European Charter of Local Self-Government.

b. Regional authorities exercise no supervision over local authorities.

c. The relations between regional authorities and other public authorities are determined by law or by their statutes.

Part III – Forms of regional organisation

Article 29: Areas of responsibility of regional authorities

29.1. Regional authorities shall be responsible for promoting regional culture and defending and enhancing the region's cultural heritage, including regional languages.

29.2. Regional economic development shall constitute an important aspect of regional responsibilities, to be carried out in partnership with economic operators in the region.

29.3. Regional authorities shall help to adapt education and training facilities to employment development requirements in the region.

29.4. Social welfare and public health shall be among the areas of activity of regional authorities, which shall also be responsible for promoting social cohesion in the region.

29.5. Balanced development of the territory shall constitute a major objective of any action by regional authorities affecting the territorial organisation of the region.

29.6. Regional authorities shall be responsible for protecting and enhancing natural resources and biodiversity and shall ensure the sustainable development of the region, with due regard for local, national, European and international policies in this respect.

Article 30: Shared responsibilities

In areas where responsibility is shared, dialogue, arbitration and co-operation mechanisms shall be set up to ensure the coherence of public policy and respect for regional competences.

Article 31: Delegated responsibilities

31.1. The instrument delegating responsibilities shall, in so far as is reasonable, include a definition of resources, in particular material and financial resources, for the effective discharge of the responsibilities delegated to regional authorities.

31.2. Regional authorities shall, as far as possible and within the limits of the law, be allowed discretion to adapt the discharge of delegated responsibilities to the conditions specific to the region.

31.3. Within the limits laid down by the Constitution or by law, regional authorities can contribute to the management of competences assigned to other territorial authorities.

Article 32: Assignment of executive tasks

Pursuant to the principle of subsidiarity and within the limits of the law, regional authorities may be assigned responsibility for performing, at regional level, tasks which fall within the competence of the national government.

Article 33: Exercise of ownership

33.1. Regional authorities shall be entitled to own and utilise property and to transfer ownership or management thereof to inter-regional co-operation structures, public services or other bodies, in the exercise of their competences and responsibilities in the public interest and within the limits of the law.

33.2. Where permitted by law, compulsory acquisition of regional authority assets shall be carried out only in accordance with a legal procedure, for the public benefit and in exchange for fair compensation.

Article 34: Application of the principle of concomitant financing

34.1. The principle that the financial resources of regional authorities shall be commensurate with their competences and responsibilities and sufficient for the effective discharge of their responsibilities shall be laid down in the Constitution or by law.

34.2. Revenue losses incurred by regional authorities as a result of decisions by higher authorities to abolish or reduce regional taxes or decrease the tax base shall be offset with stable, adequate equivalent resources.

34.3. In the event of a transfer of new responsibilities, the resources transferred shall be at least equivalent to those that

the authority which originally had these responsibilities allocated to their discharge; these resources may include financial resources, property and/or staff.

34.4. The obligation to transfer adequate resources or authorise the raising of new resources shall also apply in the case of decisions resulting in changes in general cost factors such as wages and salaries, social security costs or environmental protection standards.

Article 35: Own financial resources

35.1. A substantial proportion of the financial resources of regional authorities shall be derived from charges which they are free to set and from regional taxation (whether exclusive or shared) the level of which they are able to decide, where appropriate within limits predetermined in accordance with the law.

35.2. The proportion of own resources shall be sufficiently large to give regional authorities a real margin for manoeuvre in the discharge of the responsibility incumbent on them in respect of the exercise of their own competences.

Article 36: General and specific grants

36.1. Systems of general and specific grants shall guarantee regional authorities economic and financial stability and take account of factors such as economic growth, cost increases, wages and salary increases and changing social and environmental minima.

36.2. Grants to regional authorities intended to finance specific projects shall be limited in number and shall concern, in particular, cases involving investment and the discharge of delegated responsibilities.

36.3. If grants are conditional on contributions from the regional authorities in receipt of them, the level of contributions shall take account of the financial capacity of these regional authorities.

Article 37: Financial equalisation

37.1. Financial equalisation is aimed at reducing, on the one hand, disparities due to structural factors inherent in regional authorities and, on the other hand, differences in regional authorities' overall financial capacity.

37.2. Equalisation criteria and procedures shall be defined by law and shall be objective, clear, transparent, foreseeable, verifiable and non-discriminatory.

37.3. Equalisation procedures shall aim to achieve an equitable level of equalisation and shall not undermine the exercise of regional self-government or hamper the free administration of regional authorities.

Article 38: Remuneration and protection of elected representatives

38.1. The conditions of office of elected representatives shall provide for an allowance and/or adequate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, full or partial compensation for loss of earnings or remuneration

for the work done and corresponding social welfare protection.

38.2. Regional bodies and elected representatives shall have the right to apply to a court or independent administrative authority against any dissolution, suspension or dismissal decision. Pending the outcome of the judicial proceedings, no sanction shall be taken save in exceptional circumstances provided for by law.

Article 39: Conditions applicable to staff

39.1. The conditions applicable to regional authority staff shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence, without discrimination on any ground. To this end, they shall afford adequate training opportunities, remuneration and career prospects.

39.2. Without prejudice to more general statutory provisions, regional authorities shall be entitled to determine the administrative structures whereby the services they offer shall be supplied.

Article 40: Information and consultation of the public

40.1. Regional authorities shall ensure that the public is informed of their activities and guarantee access to documents concerning decisions and policies for which they are responsible.

40.2. Within the limits of the law, regional authorities shall use all means at their disposal to promote the involvement and/or consultation of the public and associations representing the public in their various areas of activity.

Article 41: Transfrontier and inter-regional co-operation agreements and bodies

41.1. Within the limits of the law and their competences and with due regard for the obligations of the State, regional authorities may enter into transfrontier and/or inter-regional co-operation agreements with public bodies in other States.

41.2. Regional authorities may set up joint transfrontier and/or inter-regional co-operation bodies with legal personality in accordance with the law and, where appropriate, bilateral, multilateral or international treaties governing the establishment and activities of such bodies.

41.3. Regional authorities should be able to benefit from financial resources from the State, European or international institutions and other public bodies designed to finance transfrontier and/or inter-regional co-operation projects.

Article 42: Involvement of regional authorities in decisions concerning them

42.1. Any decision taken by a national or federal authority concerning regional authorities which has, or could have, a significant impact on regional authorities shall be adopted in accordance with a procedure entailing, at least, prior notification of the regional authorities concerned by the decision envisaged, the right of the latter to obtain access to the relevant administrative documents, their entitlement to state their own positions within a reasonable time limit and the

obligation to give reasons for the decision, taking into account the positions they have made known.

42.2. Any decision taken by a national or federal authority concerning the balancing of regional authorities' expenditure and the resources at their disposal and the conditions and criteria applicable to financial equalisation and general and specific grants shall be the subject of prior negotiations between the national or federal authorities and the regional authorities. The negotiation procedure shall always be set in motion before a national or federal authority takes any decision whereby regional authorities must help to implement policies of common interest to various levels of government.

42.3. Regional authorities' entitlement to be represented by representative associations or other bodies in the various consultation, negotiation and co-operation processes with national or federal authorities shall be recognised by law.

Article 43: Participation in European and international affairs

43.1. In so far as the Constitution and/or law allows it, regional authorities shall be consulted, through appropriate procedures or bodies, about international negotiations by the State and the implementation of international treaties in which their competences, their essential interests or the scope of regional self-government are at stake. The same shall apply when they are responsible for implementing provisions adopted at European level.

43.2. In order to promote or defend their interests, the regions shall have the right to set up, either individually or in cooperation with other regional or local authorities, offices abroad responsible for liaising with European organisations active in their spheres of competence.

Article 44: Power of substitution

44.1. National or federal authorities' power of temporary substitution to act in lieu of regional authority organs may be exercised only in exceptional cases and under the procedures provided for by the Constitution or by law. This power shall be confined to specific cases where regional authorities have seriously failed to exercise the competences vested in them and shall be utilised in accordance with the principle of proportionality in the light of the interests it is designed to protect.

44.2. The decision-making power resulting from a substitution measure shall be entrusted to staff acting solely in the interests of the regional authority concerned, except in the case of delegated responsibilities.

Part IV: Final provisions

45.1. Each Party shall be free to amend its system of regional self-government in accordance with those principles and rules of this Charter, which are applicable to each Party and those which the Party has undertaken to consider itself bound by.

46.1. Any Party may, at the time of signature or when depositing its instrument of ratification, acceptance or approval

specify the territory or territories to which this Charter shall apply.

46.2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Charter to any other territory specified in the declaration. In respect of such territory the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

46.3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

47. None of the provisions of this Charter may be construed as restricting the rights guaranteed to regional authorities under the national law of a State Party or provided for in bilateral or multilateral international agreements to which that state is a party.

48. This Charter shall be open for signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

49.1. This Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five member States of the Council of Europe have expressed their consent to be bound by the Charter.

49.2. In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

50.1. After the entry into force of this Charter, the Committee of Ministers of the Council of Europe may invite any

State not a member of the Council of Europe to accede to this Charter.

50.2. In respect of any acceding State, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

51.1. Any Party may at any time denounce this Charter by means of a notification addressed to the Secretary General of the Council of Europe.

51.2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

52. The Secretary General of the Council of Europe shall notify the member States of the Council and any Party to this Charter of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval ;
- c. any date of entry into force of this Charter;
- d. any other act, notification or communication relating to this Charter.

In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg, this ... day of ..., in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to any State invited to accede to this Charter.

1. Debated and adopted by the Congress on 28 May 2008, 2nd Sitting (see Document CG(15)6REC, draft recommendation presented by J.-C. Van Cauwenberghe (Belgium, R, SOC), rapporteur).