

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 433 (2018)¹ European Code of Conduct for all Persons Involved in Local and Regional Governance

1. As corruption and other forms of unethical behaviour continue to threaten democracy, new forms of governance, citizen expectations of ethical behaviour and rapid advancements in communication technologies are creating new ethical challenges for local and regional governance.

2. Recognising the importance of common principles of ethical behaviour, the Congress of Local and Regional Authorities of the Council of Europe, as part of its roadmap of activities for preventing corruption and promoting public ethics at local and regional level, adopted in October 2016 at its 31st Session, agreed to revise the “European Code of Conduct for the Political Integrity of Local and Regional Elected Representatives”, which it adopted at its 6th session, on 17 June 1999.

3. The revision process had two aims: to extend the code to apply to and serve all persons involved in local and regional governance, and to take into account the most important developments in local and regional governance over the past two decades, notably the growing fragmentation of local and regional governance, with increasing outsourcing of public services, the increased public expectations and demands for high ethical standards in local and regional governance and the changes brought about by developments in digitalisation and new forms of communication.

4. A model code of conduct for local and regional elected representatives serves several functions. It serves in particular to instruct all actors in the ethical standard of conduct expected of them in the day-to-day performance of their tasks, and at the same time to inform the public of the conduct they are entitled to expect from them. It would serve to develop an atmosphere of trust among all actors involved in local and regional governance and to consolidate the relationship between the public and local and regional policy makers.

5. The Congress therefore,

a. bearing in mind:

i. the Criminal Law Convention on Corruption (ETS No. 173);

ii. the Civil Law Convention on Corruption (ETS No. 174);

iii. Resolution 79 (1999) of the Congress on political integrity of local and regional elected representatives;

iv. Resolution 316 (2010) of the Congress on rights and duties of local and regional elected representatives: the risks of corruption;

v. Resolution 401 (2016) of the Congress on preventing corruption and promoting public ethics at local and regional levels;

vi. Resolution (97) 24 of the Committee of Ministers on the twenty guiding principles for the fight against corruption;

vii. Recommendation No. R (2000) 10 of the Committee of Ministers on codes of conduct for public officials;

viii. the Congress priorities for 2013-2016 and 2017-2020;

b. reaffirming that all persons involved in local and regional governance should assume their public duties with integrity, act in accordance with the law and serve the public interest;

c. underlining that they should uphold the principles of transparency, non-discrimination, probity, merit and respect for diversity;

d. emphasising that they are accountable at all times for their decisions and actions;

e. adopts the European Code of Conduct for all Persons Involved in Local and Regional Governance, as appended to this resolution;

6. The Congress encourages local and regional authorities to:

a. adopt this code themselves or to draw up and promote similar codes of conduct, in consultation with their national governments, using this code as a model;

b. design a comprehensive and appropriate educational programme of integrity management and implement advisory services, to help their staff to identify potential ethical risk areas and conflicts of interest situations and to tailor specific strategies to cope with those risks;

7. The Congress encourages national associations of local and regional authorities to:

a. translate and disseminate the European Code of Conduct for all Persons Involved in Local and Regional Governance to the public, in order to raise awareness of the standards of behaviour that citizens are entitled to expect from them;

b. assist local and regional authorities in designing appropriate educational programmes and training courses;

8. The Congress resolves to continue to strengthen its cooperation with the Group of States against Corruption (GRECO) to improve the integrity of local and regional governance in Council of Europe member States.

Appendix

European Code of conduct for all persons involved in local and regional governance

Preamble

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

1. Recognising that achieving a high level of local and regional democracy requires all persons involved in local and regional governance to adhere to high ethical standards.
2. Aware that corruption and other forms of unethical behaviour continue to threaten democracy, economic development and social cohesion, while new forms of governance, citizen expectations of ethical behaviour, globalisation and rapid advancements in communication technologies are creating new ethical challenges for local and regional governance.
3. Convinced that these developments make it all the more necessary to underline the importance of common principles of ethical behaviour.
4. Reaffirming that all persons involved in local and regional governance should assume their public duties with integrity, act in accordance with the law and serve the public interest.
5. Underlining that they should uphold the principles of transparency, non-discrimination, probity, merit, and respect for diversity.
6. Emphasising that these persons are accountable at all times for their decisions and actions.
7. Stressing that developments in control and supervisory technology need to be balanced against the legitimate right to privacy.
8. Convinced that this Code will provide all persons involved in local and regional governance with valuable guidance for carrying out their daily activities and help develop trust with the people they serve.

Adopts the following Code:

I – Aim and scope

Article 1 – Purpose of the Code

The purpose of this Code is to promote integrity of public governance, by specifying the principles and standards of conduct expected of all actors.

Article 2 – Scope of the Code

This Code applies to all actors involved in local and regional public governance.

II – General principles

Article 3 – Primacy of law

All actors must at all times act in accordance with the law and serve the public interest.

Article 4 – Accountability

All actors are accountable for their decisions and actions, and should be willing to give detailed grounds for these.

Article 5 – Transparency

All actors shall foster the transparency, openness, and visibility of their activities, including policy and decision making, communication, and participation.

All actors shall respond diligently, honestly, and fully to any request for information from the public. They shall defend the right of everyone to hold, receive and impart such information without interference.

The exercise of these freedoms may be subject to conditions, restrictions or penalties. Wherever this is the case, the reasons for such shall be explained and backed by law.

Article 6 – Respect and Non-Discrimination

All actors shall respect each other. They shall actively work towards a non-discriminatory culture of fairness and tolerance that appreciates diversity.

Article 7 – Merit

Human resource management should be guided by the principles of merit and professionalism.

Article 8 – Impartiality

All actors shall show impartiality when taking decisions and actions, and avoid any form of prejudice and favouritism, including nepotism.

Article 9 – Conflicts of interest

All actors shall avoid any conflict or appearance of conflict between their private affairs and public duties.

Conflicts of interest policies should be guided by the principles of transparency and accountability.

All actors shall comply with any measure under the regulations in force requiring their direct or indirect personal interests, their other mandates, functions or occupations, or changes in their assets and liabilities to be made public and monitored.

III – Specific obligations

Article 10 – Corruption and fraud

All actors shall refrain from misusing public function for private gain, and from misappropriating public funds.

Article 11 – Public procurement and contracting

In all stages of the procurement cycle, decisions and actions shall be guided by fair, clear, and open procedures as well as the right to review any decision by the procurement commission. Bidders shall behave responsibly and fairly and refrain from inappropriately influencing the bidding process.

Article 12 – Revolving door policy

In performing their functions, actors shall not take any measure to grant themselves a personal and/or professional advantage once they have relinquished their functions.

IV – Institutions and procedures*Article 13 – Mechanisms for effective implementation*

All organisations involved in local and regional governance should have an explicit integrity policy, consisting of procedures and institutions for supporting and safeguarding public integrity.

This policy should include appropriate educational programmes and training courses.

It should also foresee the provision of appropriate counselling and advice for everyone in order to deal with ethical dilemmas and integrity risks.

Art 14 – Reporting

Every organisation involved in local and regional governance should have a procedure on how suspicions of wrongdoing can be reported.

This procedure should at least cover the following:

- a. a description of a suspicion of wrongdoing;
- b. the way the report is handled and recorded;
- c. an established possibility for employees to consult a confidential advisor on the suspicions of wrongdoing;
- d. the designation of official(s) or institution(s) to whom the suspicion of wrongdoing can be reported;
- e. the obligation to treat the report confidentially, if so requested by the reporter;
- f. the requirement to handle the report in a timely manner and provide feedback to the reporter.

Every organisation involved in local and regional governance is obliged to provide its employees with a written document on the procedure as mentioned above. The organisation also provides information on:

a. the circumstances under which a suspicion of wrongdoing can be reported outside the organisation;

b. the legal protection of employees when reporting suspicions of wrongdoing.

V – Privacy and use of data*Article 15 – Principles of data processing and privacy*

The processing of data should be based on the principles of legality, proportionality, efficiency and respect for privacy.

The organisation shall therefore:

- a. only process relevant and necessary data for a specific, clear, time limited, and legally defined purpose;
- b. only process data that is proportional – in terms of quantity and quality – to the original purpose of its collection;
- c. only process data in a way that third parties are restricted from unethical and improper use;
- d. only store data as long as it is necessary in terms of fulfilling the specific and original purpose of its collection;
- e. guarantee an individual's right to review and contest the collected data concerning him or her.

VI – Dissemination*Article 16 – Dissemination of the Code*

The Code should be disseminated to the public in order to raise awareness of the standards of behaviour they are entitled to expect from all actors involved in local and regional governance.

The provisions of the Code should be actively integrated in the daily activities of the organisation and discussed on a regular basis.

1. Debated and adopted by the Congress on 7 November 2018, 2nd sitting (see Document [CG35\(2018\)12](#), explanatory memorandum), rapporteur: Manuela BORA, Italy (R, SOC).