

# The Congress of Local and Regional Authorities Chamber of Local Authorities



**AUTUMN SESSION**  
**CPL(14)8REP**  
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**STANDING COMMITTEE**  
**INSTITUTIONAL COMMITTEE**

## **Draft Additional Protocol to the European Charter of Local Self-Government**

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Explanatory Memorandum  
Institutional Committee of the Chamber of Local Authorities

### Summary:

This report provides background information on the elaboration of an Additional Protocol to the European Charter of Local Self-Government, which aims at strengthening it in the light of the experience of the monitoring activities carried out by the Congress.

R: Chamber of Regions / L: Chamber of Local Authorities  
ILDG: Independent and Liberal Democrat Group of the Congress  
EPP/CD: European People's Party – Christian Democrats of the Congress  
SOC: Socialist Group of the Congress  
NR: Members not belonging to a Political Group of the Congress



1. It was in 2005 that, in its Resolution 195 (2005), the Congress instructed its Institutional Committee and the Group of Independent Experts on the Charter to "continue examining the different legal means of systematically interpreting and/or developing ideas relating to the Charter, listed in the report "20th anniversary of the European Charter", including the possibility to develop additional protocols to the Charter.
2. In the same document it was proposed that the Group of Independent Experts on the Charter "put forward in a consolidated document a series of proposals to reflect the experiences and interpretation given to the Charter following the monitoring carried out by the Congress".
3. Further to the above-mentioned Resolution 195 (2005), with a view to carrying out the work necessary to strengthen the Charter and reflect the experiences and interpretation given to the Charter following the monitoring of local democracy, the Institutional Committee asked the Group of Independent Experts to prepare proposals to that end and appointed me as Rapporteur.
4. During its meeting in St Gallen on 12 October 2005 the Group of Independent Experts decided to set up a Restricted Group on the Protocols, comprising six of its member experts, which was entrusted with the task of drawing up proposals for an additional protocol to the Charter.
5. It should be noted that this group was also asked to "continue examining the different means of transposing the clarification and/or development of notions linked to the Charter, described in the report "20th Anniversary of the European Charter", into legal reality".
6. The Restricted Group\* held six meetings between 9 December 2005 and 19 June 2007. The Legal Advice Department of the Council of Europe gave an opinion on a preparatory version of the draft Protocol and draft explanatory report, dated 7 September 2007. Subsequently, the draft was brought in line with the Legal Advice Department's proposals.
7. The Group of Independent Experts on the Charter considered and adopted the preliminary draft additional Protocol and draft explanatory report at its meeting in St Gallen on 26 September 2007. It then transmitted these documents, which are fully in accordance with the opinions issued by the Legal Advice Department, to the Institutional Committee for consideration with a view to their approval.
8. The Institutional Committee considered and approved the preliminary draft Recommendation with the draft amending Protocol and the draft explanatory report thereto in the appendix at its meeting in Strasbourg on 12 October 2007.
9. The draft additional Protocol and draft explanatory report are set out in the appendix to Recommendation CPL(14)8REC.

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\* Consisting of Professor Chris HIMSWORTH, Mr Rinaldo LOCATELLI, Professor Francesco MERLONI, Dr Corneliu-Liviu POPESCU (resigned in 2006), Professor Dian SCHEFOLD, Professor Eivind SMITH.