

The Congress of Local and Regional Authorities



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Rules of Procedure of the Congress and its Chambers

Halvdan Skard, Norway (L, SOC)
Herwig Van Staa, Austria (R, EPP/DC)

Explanatory Memorandum
Bureau of the Congress

Summary :

The Bureau prepared the revised Rules of Procedure for the Congress and its Chambers in order to reflect the changes to Statutory Resolution CM/Res(2007)6 and the new Charter of the Congress adopted in May 2007 by the Committee of Ministers. These Rules of Procedure unite in a single text the rules for the Congress and those for the Chambers, in order to ease their application and, whenever appropriate, align them.

In addition the Bureau, upon suggestions from both rapporteurs, further proposed a number of changes to improve the rules and set stricter criteria for certain of them in line with the political profile and role of the Congress.

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



1 Following the adoption by the Committee of Ministers of a new Statutory Resolution and a revised Charter for the Congress on 2 May 2007, the Congress has to revise its Rules of Procedure. The **first objective** is to bring the Congress Rules of Procedure into line with the Charter.

2 This revision therefore proposes **mandatory changes** resulting from the new provisions included in the 2007 Charter, which may be summarised as follows:

a. new definition of the mandates of members in Article 2.1 of the Charter, deleting the first transitional provision dating from the Charter adopted by the Committee of Ministers on 15 March 2000;

b. new criteria for the composition of national delegations in Article 2.2 of the Charter: new requirement from 2008 onwards to the effect that all delegations must comprise a minimum of 30% of the under-represented sex, even where the full delegation has not yet been appointed;

c. sanctions in cases of non-validation of the credentials of a national delegation (Article 4 of the Charter);

d. possibility (subject to budgetary feasibility) of holding more than one annual Plenary Session (Article 6 of the Charter);

e. merging of the Rules of Procedure of the Congress and both Chambers into a single document (Article 13.1 of the Charter);

f. updating of the Congress titles (abolishing the acronym "CLRAE") and changing titles within the Congress secretariat (Article 15 of the Charter);

g. incorporating a reference to the Congress' work in the field of election observation and preparation of specific recommendations for the authorities in question (Article 2.4 of the Statutory Resolution);

h. incorporating a reference to the work conducted in co-operation with particularly important partners, including the Committee of the Regions and the national associations of local and regional authorities (Article 2.1 e of the Statutory Resolution and Article 10.4 of the Charter);

i. the possibility for the Congress to adopt Chamber texts during plenary session, with the Standing Committee performing this task between plenary sessions (Article 11.2 of the Charter).

3 It should also be noted that the incorporation of the Rules of Procedure of the Congress and Chambers into a single document provided an opportunity for highlighting **rules which were different and could therefore be harmonised**. This was the case, for instance, of the deadline for submitting candidatures for the presidency of the Congress and Chambers (Rule 12 and 13 of Chapter VII) and the possibility of holding two consecutive terms as Chamber President (Rule 13.2). In each case the Rapporteurs presented the Bureau with a proposal for harmonising the Rules of the Congress and the two Chambers with a view to facilitating and simplifying the implementation of the Rules of Procedure.

4 Lastly, this mandatory revision also facilitated a **review of a number of rules in order to bring them into line with established practice, clarify them or simplify or complement them**. This applies, for instance, to elections in the event of a single candidature for the Presidency of the Congress or the Chambers (Rules 12 and 13), in statutory committees and working groups (Rule 39 and 44) or for the election of the Secretary General of the Congress (Appendix 3). It also applies to procedures concerning current affairs debates and debates under urgent procedure (Rule 20) and the organisation of and follow-up to the work of working groups (Rule 43).

5 Moreover, the Rapporteurs proposed that the Bureau **review specific provisions in the light of the rules of procedure of other bodies/organs such as the Parliamentary Assembly and the Committee of the Regions**. Consequently, for instance, revisions include changes to the Rules on the number of members of different delegations needed to support candidatures for the election of Congress and Chamber Presidents (Rule 13) or for the setting up of a political group (Rule 7), submission of motions for Resolutions (Rule 23) or written declarations (Rule 35).

6 The Bureau has also decided to **restrict multiple mandates** (Rules 36 and 44.3), including on the part of Bureau members and to **strictly limit the candidatures to presidency to the Chamber of Regions and its organs to members sitting with full capacity in the Chamber**.

7 In accordance with the Rules of Procedure in force since 2002, any revision of the said Rules are submitted to a plenary sitting of the Congress.

8 Lastly, the text was revised with a view to being **“fair” in gender terms** (he/she, his/her, etc).

9 In the future, the Congress may furthermore wish to complement the Rules of Procedure as needed with texts having “quasi-rule” status appended to the Rules of Procedure. These future texts could, for example, specify:

a. the Congress’ role in terms of monitoring;

b. its role in the field of election observation and co-operation with outside partners;

c. instructions on the organisation of debates and rules on speakers;

d. the requisite information for describing national appointment procedures and information to be communicated in the event of changes to delegations following elections or in cases of intermediate modifications between renewal years (Rule 4.2).

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10 The text appended to the draft Resolution [CG(15)3RES] presents against a **grey background** all the Rules which have been modified to clarify them or to bring them in line with the Statutory Resolution and Charter, including additions to introduce rules for the Chambers . Further new changes are indicated in **bold and shadowed**.

In addition, this explanatory memorandum provides:

a) List 1 which gives changes resulting from the new Statutory Resolution and new Charter adopted by the Committee of Ministers on 2 May 2007 other than those resulting from the merging of the Congress Rules of Procedure and those of the Chambers in a single text.

b) List 2 which gives other changes to the Rules of Procedure (new ideas) which do not directly stem from the Statutory Resolution CM/Res(2007)6 and the Charter adopted in May 2007.

For information, the Appendix recalls main changes to the Statutory Resolution and the Charter adopted by the Committee of Ministers in 2007.

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LIST 1

Changes resulting from the new Statutory Resolution and new Charter adopted by the Committee of Ministers on 2 May 2007 other than those resulting from the merging of the Congress Rules of Procedure and those of the Chambers in a single text

Preamble

- Rule 1.1 allows for more than one plenary session (“at least one plenary session a year”);
- Rule 2.1 (paragraphs 5 and 6) concerns the balance of Representatives between the two Chambers for countries with true regions;
also stipulates how national procedures for appointing delegations must clarify the mandate of members which are not directly elected;
- Rule 2.3 sets the criteria of a minimum of 30 % of the under-represented sex and its application, including when a delegation is incomplete;
- Rule 2.4 (3rd paragraph) entrusts the Bureau with updating the list of countries without true regions (previously such update needed revision of the rules);
- Rule 3.2 (2nd paragraph) and Rule 3.3 specify possible sanctions against delegations or individual members whose credentials are not ratified by the Congress;
- Rule 3.4 describes the mandate of members;
- Rule 4.2 clarifies when a national delegation must be changed following local or regional elections;
- Rule 7.5 clarifies when political groups meet: on the occasion of plenary sessions and Standing Committee meetings;
- Rule 8.6 concerns co-operation with international and national associations of local and regional authorities;
- Rule 8.7 concerns co-operation with the Committee of the regions of the European Union (see also Rule 37);
- Rule 15.7 clarifies how texts approved by the Chambers are adopted either by the Congress or the Standing Committee (see also Rule 46.2);
- Rule 16.2 entrusts the Bureau with the preparation of reports dealing with the general policies of the Congress, its budget or the observation of elections;
- Rule 32 refers to the adoption of the texts following the observation of elections;
- Rule 36.2 clarifies that each member has only one seat of full member on a committee including the Standing Committee;
- Rule 43.4 waives the maximum number of members to a working group which previously was 11 (“working groups have a limited number of members”);
- Rule 46.2 see Rule 15.7;
- Rule 56 grants new names to high positions within the Secretariat of the Congress (Secretary General, Director, Executive Secretary of the Chamber);
- Rule 58 (paragraph 3 and 4) provides that the Rules of Procedure of the Congress and its Chambers are grouped in a single text adopted by the Congress; revisions are adopted by the Congress.

LIST 2

Other changes to the Rules of Procedure (new ideas) which do not directly stem from the Statutory Resolution CM/Res(2007)6 and the Charter adopted in May 2007

- Rule 2.4 regions with legislative powers shall have representatives in the Chamber of regions;
- Rule 3.2 national delegations whose membership is contested cannot vote on the draft Resolution on the verification of credentials;
- Rule 6.2 stipulates which meetings, secretaries of delegations may attend;
- Rule 7.2 sets stricter criteria for political groups;
- Rules 8.6 - 8.7 specify Congress co-operation with international and national associations of local and regional authorities;
- Rule 12 President of the Congress:
Rule 12.1 limits candidacy for Presidency of the Congress to Representatives sitting with full capacity in the Chamber of Regions when the President is elected from that Chamber;
- Rule 12.2 sets new criteria but keeps same time limit for putting forward candidacy: 20 Representatives from at least 4 national delegations (previously at least 3 Representatives) at the latest 24 hours before the opening of the session;
- Rule 12.3 waives the need for a secret ballot in case of a single candidacy;
- Rule 13 Presidents and Vice-Presidents of the Chambers:
Rule 13.1 candidacy limited to members sitting with full capacity in the Chambers;
- Rule 13.2 candidates for presidency of the Chambers are nominated by at least 10 members sitting with full capacity from at least 4 national delegations and be notified at the latest 24 hours before the opening of the 1st sitting of the Chamber (previously, individual candidacy was allowed and the time limit was 3 hours before and 1 hour before respectively for the Chamber of Regions and the Chamber of Local Authorities);
waives the need for a secret ballot for the election of the president of the Chambers in case of a single candidacy. Furthermore presidents can remain for a maximum of two consecutive mandates (2 X 2 years) – (previously the case only for the Chamber of Local Authorities);
- Rule 13.3 candidacies for vice-presidency of the Chambers must be notified at the latest 2 hours before the opening of the ballot (previously 3 hours for the Chamber of Regions and 1 hour for the Chamber of Local Authorities);
- Rule 13.4 clarifies that elections must take place even if there are only 7 candidates (previously, this was only clarified in the Rules of Procedure for the Chamber of Local Authorities);
- Rule 15.5 explains what “spring” and “autumn” sessions are and suggests to make a rule out of the established practice to invite to Standing Committee meetings the chairs of the statutory committees and working groups;
- Rule 16.2 specifies that the Bureau may prepare reports with regard to general policies, budget or observation of elections;
- Rule 17.2 defines among the duties of the chair that he/she vote but does not speak in the debate.

A similar rule applies in all bodies except in statutory committees (Rule 41.5) and working groups (Rule 44.3) for which it was decided to maintain the previous Rule 4 (the chair may take part in discussions and votes but shall not have a casting vote);

- Rule 20 adds the possibility of current affairs debates (previously only urgent procedure) and clarifies the rules for urgent procedure;
- Rule 22 clarifies the scope of Resolutions and of Recommendations;
- Rules 23 motions can also concern draft Recommendations;
- Rules 27, 28, 29 shortens speaking time to 1 mn instead of previously 2 mn and gives the floor to the Rapporteur and the chair of the structure which prepared the draft text under examination;
- Rule 31 (on the methods of voting) waives the need for secret ballot in case of a sole candidacy for a number of elections (President of the Congress, Presidents of Chambers, elections in statutory committees and chairs of working groups, and for the election of the Secretary General of the Congress);
- Rule 35 sets stricter conditions for tabling written declarations;
- Rule 37 adds economic issues to the powers of the Social Cohesion Committee and ask all statutory committees to follow the work of the Committee of the regions of the European Union in their respective sphere of competencies;
- Rule 39 the chair and vice-chairs of a statutory committee must be full members of the committee; the chair and vice-chairs of a committee of the Chamber of Regions must sit in the Chamber with full capacity;
furthermore candidacies for the elections in statutory committees are notified at the latest at 6 pm on the day before the opening of the first meeting; (previously 1 hour before opening the meeting) secret ballot is not necessary in case of a sole candidacy;
- Rule 43 members of working groups of the Chamber of Regions must sit with full capacity in the Chamber;
- Rule 44 members of the Bureau cannot chair working groups;
secret ballot is not necessary if there is a sole candidacy for the chair of the working group ;
- Rule 48 brings the Rules of Procedure into line with current practice as regards advisers;
- Rule 57 sets stricter criteria to put forward proposals for the revision of the Charter;
- Rule 58 sets stricter criteria to put forward proposals for the revision of the Rules of Procedure;
- Appendix 2 sets distribution of seats of full members in the Standing Committee and statutory committees for Armenia, Bulgaria and Latvia in order to follow strictly the rules set in the Charter which stipulates that countries without regions in the meaning of paragraph 2.4 of the Charter and whose members sit in the Chamber of Regions in an advisory capacity only, should hold only a seat in the Standing Committee (Article 8.2 of the Charter);
- Appendix 3 the procedure for the election of the Secretary General is clarified and revised as shown.

Congress Charter and Statutory Resolution adopted by the Committee of Ministers on 2 May 2007 [CM/Res(2007)6]

Main changes compared to Statutory Resolution and Congress Charter adopted in 2000
[CM/Res(2000)1]

SUMMARY OF THE PRINCIPAL CHANGES TO THE STATUTORY RESOLUTION

Preamble

- addition of references to the decisions taken at the Warsaw Summit

Articles 1 and 2

- Article 1 : addition of "consultative organ"
- Article 2 : addition of "in addition to its consultative functions, furthermore undertakes activities"
- Article 2.1.e: addition of reference to co-operation with the Committee of the Regions of the European Union
- Article 2.4: addition of the preparation of reports and recommendations following the observation of local and/or regional elections

Article 4

- possibility of holding more than one ordinary session per year, subject to budgetary feasibility

SUMMARY OF THE PRINCIPAL CHANGES TO THE CHARTER
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Article 1

- addition of a reference to a consultative organ

Article 2.1

- new wording of the definition of the mandate held by members, with deletion of the transitional provision of the 2000 Charter

Article 2.2.d

- clarification of the requirements for equitable representation of women and men. Requirement for the new delegations in 2008 to include at least 30% of the under-represented sex

Article 2.6

- clarification of the six month limit beyond which a member cannot remain a member of the Congress after the loss of their mandate
- clarification of the need for national delegations to be renewed following local and/or regional elections in their country even between the years when renewal is due

Article 3.2

- clarification given regarding the distribution of members between the two Chambers in respect of countries which have regions

Article 4.2 and 4.3

- clarification of the sanctions incurred when delegations do not comply with the criteria set out in the Charter

Article 6.1

- possibility of holding more than one annual session, subject to budgetary feasibility

Article 8

- clarification of the role of the Standing Committee

Article 9.2

- clarification of the role of the Bureau in the coordination of the work of the working groups

Article 10

- deletion of the obligation to limit the number of members of working groups to a maximum of 11

Article 10.4

- clarification of co-operation with the national associations involved in the process of appointing national delegations

Article 11.2.a and 11.2.b

- possibility of adoption of texts approved by the Chambers either by the Congress in a plenary sitting or by the Standing Committee outside ordinary sessions (spring and autumn sessions)

Article 13

- the Congress adopts a single set of Rules of Procedure for itself and the Chambers (scheduled for the 15th Plenary Session in May 2008)

Article 13.1.a

- the Rules of Procedure shall also specify the arrangements for assessing compliance with the criteria in Article 2.2 of the Charter

Article 15

- changes in titles within the Congress Secretariat:
Chief Executive becomes Secretary General
Deputy Chief Executive becomes Director
Secretaries of the Chambers become Executive Secretaries of the Chambers