

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 22 February 2023

GT-G(2023)5

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE  
(CDDG)**

**WORKING GROUP ON GOVERNANCE  
(GT-G)**

**REPORT OF THE 1<sup>st</sup> MEETING**

**Strasbourg, 2-3 February 2023**

Secretariat Memorandum  
prepared by the  
Directorate General of Democracy and Human Dignity  
Democratic Governance Division

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## **1. Opening of the meeting**

The Secretariat opened the meeting and welcomed the members of this new Working Group. The list of participants is set out in Appendix I. The Secretariat informed the participants about recent developments concerning the upcoming Fourth Summit of Heads of States and governments (Reykjavik, 16-17 May 2023), for which an [open call for input](#) had been launched recently. Depending on the outcome of the event, it was planned to provide new terms of reference to the intergovernmental committees for 2024-2027.

## **2. Elections**

The working group elected by acclamation Mr. Peter Andre (Austria) as its chairperson and following his proposal, it elected Mr Georgios Chrysafis as its vice-chair.

## **3. Agenda**

The agenda was adopted as it appears in Appendix II.

## **4. Work on principles of good democratic governance**

The Group reviewed the draft explanatory memorandum to the future recommendation on the principles of good democratic governance in the light of amendments agreed at the 16<sup>th</sup> CDDG meeting in November last. Some changes were agreed: deleting the appended terms of reference of the GT-BG (and any reference to it in the document); keeping paragraph 11 between brackets for now so as to adjust it in the light of the results of the Fourth Summit; redrafting paragraphs 20 and 21 regarding actions to be taken by member States; leaving out in paragraph 24 any additional comments on the concept of “public institutions”; making small amendments in paragraphs 14, 33, 36 (box), 37, 38 (box) mostly to increase the consistency of wording; deleting “publicly coproduced with various stakeholders” in paragraph 44 (box). The Group also agreed in parallel to delete the reference to “public institutions” in the penultimate paragraph of page 3 of the draft recommendation itself.

Mr Lefebre (Belgium, Flanders) indicated that he and the other gender equality rapporteur were reviewing the wording of the draft explanatory report from their perspective and that their proposals would be available soon.

The Secretariat recalled that the two texts (the draft Recommendation and its explanatory memorandum) would need to be submitted for technical review to the Editorial Service and the Office of the Legal Adviser.

## **5. Work on multilevel governance**

The Secretariat presented the terms of reference (document [GT-G (2023)1]) and referred to earlier work of the CDDG, especially the special report on “Democratic governance and Covid-19” and the information which had been collected for its preparation (all [available on-line](#)).

The Secretariat also presented a background paper ([GT-G(2023)4]) compiling information on the origins of the concept of MLG, some of its academic and work/policy definitions which had been given in different fora, as well as a selection of relevant existing texts and standards which had been adopted at the level of the EU and the Council of Europe.

## **6. Contributions by the Parliamentary Assembly and Congress of Local and Regional Authorities**

M. Armen Gevorgyan (Armenia), General Rapporteur on Local and Regional Authorities, and member of PACE's Committee on Social Affairs, Health and Sustainable Development referred in his presentation to the fact that democratic values were losing ground and that in several countries there was a public perception that a choice may need to be made between democracy and security. He listed five factors which he saw important in this context: the decline in positive expectations; the issue of double standards; the accelerating disengagement at national and subnational levels; the decrease in participation; the increasing social-economic divide. Many recent Council of Europe reports were also pointing at increasing problems between central and local authorities, especially in countries where the ruling party was seeking to achieve a top-down control, by pressure on political opponents and through new legislation allowing to interfere with local autonomy. The Fourth Summit would need to solve the issue of member States governed by authoritarian regimes. M. Gevorgyan also referred to the importance of the Sustainable Development Goals and to the recent creation of the Network of Contact Parliamentarians for a Healthy Environment, launched in January 2022 following Resolution 2399 (2021) "The climate crisis and the rule of law" (September 2021).

Participants commented on the importance of social and economical inequalities, referred to the importance of continued international cooperation to avoid the building of ramparts between countries and concurred with the speaker about the importance of links between MLG and the Sustainable Development Goals.

Ms Svitlana Pereverten, Co-Secretary of the Committee on the Honouring of Obligations and Commitments first gave an overview of findings from the first and second cycles of review of the implementation of the European Charter of Local Self-Government. The [first horizontal report of 2017 \(for the period 2010-2016\)](#) had identified four main groups of issues: lack of resources available to local and regional authorities, lack of an adequate scope of competences, lack of adequate consultations, no direct applicability of the Charter in domestic law. In 2021, the second [report on recurring issues \(for the period 2017-2020\)](#) concluded that the same four issues had remained largely relevant, and also that the pandemic had accelerated some tendencies towards re-centralisation. Other emerging trends included the conditions of office in local authorities due to degrading relations between the latter and the central authorities, and the phenomenon and impact of hate speech and fake news on local representatives. In relation to the management of crises, reports of the Congress recommended to develop multilevel governance mechanisms, especially proper consultations, to review the adequacy of resources and the importance of refraining from interfering.

In the ensuing discussion, Ms Pereverten confirmed that the collection of taxes and the articulation of tax systems had been an issue. Generally, the Charter contained no list of what should be the respective competencies but it was important to ensure the clarity of distribution of powers and the exclusiveness of local competences which needed to be enshrined in legislation. The recurring issues identified by the Congress equally concerned States irrespective of their form (unitary, federal). The [updated commentary to the explanatory report of the Charter](#) could provide useful information to the CDDG on certain new realities, e.g. insufficient consultation time for local authorities, need for negative decisions taken in respect of local authorities to be explained etc. In the ensuing discussion, reference was made to the following documents

- ["Definition and limits of the principle of subsidiary. Report prepared for the Steering Committee on Local and Regional authorities." \(1994\)](#)
- [Recommendation CM/Rec\(95\)19 on the implementation of the principle of subsidiarity](#)
- ["Ensuring the respect of the European Charter of Local Self-Government in major crisis situations" \(2021\)](#)
- ["Local and regional elections in major crisis situations" \(2020\)](#)
- ["The situation of Roma and Travellers<sup>1</sup> in the context of rising extremism, xenophobia and the refugee crisis in Europe" \(2016\)](#)
- ["Local and regional authorities responding to the economic crisis" \(2013\)](#)
- [Congress Declaration 5 \(2022\) "The Russian Federation's war against Ukraine"](#)

## 7. Tour de table

The Group held a tour de table, which gave an opportunity to all participants to share views on scope of work to be carried out. The following was highlighted:

- the Greek delegation presented the recent framework [Law n°5013 "Multilevel governance, risk management in the public sector and other provisions"](#) promulgated on 19 January 2023, a translation of which was made available; its purpose is "to rationalise the allocation and transfer of responsibilities between the levels of government to enhance the effectiveness of governability in the public sector"; it provides for a unified grid for the categorisation of public policies, a methodology for allocating responsibilities, the setting-up of specific bodies (a general Coordinator, a network of Individual Reference Points, a National Council for Multilevel Governance), a risk management framework;
- the diversity of tiers of government and horizontal cooperation schemes - between entities of a given level and between these and other bodies involved in co-decision / participation;
- the diversity of national institutional State arrangements (centralised, decentralised, federal, quasi federal);
- the various dynamics across Europe seeking to achieve a better/broader/more accessible/cost-effective delivery of public service: creation/suppression of tiers of government, decentralisation, amalgamations; but also more problematic trends towards (re)centralisation in a few countries;

- the variety of horizontal arrangements: inter-communal cooperation schemes, public-private partnerships, externalisation to non-administrative bodies, cross-border cooperation arrangements between regions/counties/communes.

It was considered that although the concept of MLG should encompass all levels of government, relations involving the supranational (EU context mostly) and international levels would be discussed at the margins only since the core interest of the work lied on models of government within the countries, including the dimension of cross-border cooperation (at infranational level mostly). Moreover, any detailed analysis of relations involving the EU could be politically sensitive. The Group also considered that upper chambers of parliament (where these exist and represent infranational tiers of government) were part of the governance system and that the report should thus refer and talk about these.

The following characteristics for a report emerged from the discussions:

- it should not be excessively long
- it should refer to the distinction between a) static situations of MLG (structures are there and what are the fundamentals) and b) dynamic situations where new levels are being set up or administrative-territorial reforms are carried out
- it could seek to answer a key question, such as "how to achieve effective administration, and what are the basic principles which would contribute to this"
- it should seek to list those basic principles and/or prepare the ground for their inclusion in the future draft recommendation e.g. coordination, rationalisation, consultation, subsidiarity, inclusiveness, accountability, clarity and transparency (who does what and how do citizens know), fairness (in interactions and relations generally but also between disadvantaged and wealthier areas) – such as in the list at the end of the background paper prepared by the Secretariat
- it should focus on a limited number of special situations such as a pandemic, the influx of refugees following international crises and/or the consequences of a war in Europe, whilst bearing in mind the general mandate of the CDDG (which includes social inequalities)
- it should use as much as possible the information made available in (relation to) the CDDG's report on Covid including the responses from members, possibly also information from earlier RRS and pertinent information on MLG in non-Council of Europe member States (Canada and the United States were mentioned)
- it should highlight specific subjects which are particularly important for MLG in times of crises such as: the economy, participation, information (data collection and management, possibly including IT infrastructures and working methods), and cooperation.

At the closure of the discussions, the Group examined a possible working description to support and facilitate forthcoming work. The various suggestions were summarised in the following tentative draft:

***“Multilevel governance” refers to a cooperative model of governance which embraces international, supranational, cross-border, and subnational levels of governance, delivered with participation of the people, civil society, and other organisations; its purpose is to ensure coordinated, efficient policy- and decision-making and exercise of public duties*** [alternative language: *competencies, responsibilities and/or powers*], ***based on the principles of good democratic governance.***

*It includes the following characteristics:*

- *the respective roles, functions, competences and activities of each level are duly taken into account;*
- *it aims at determining the right area over which decisions must be taken and the right level to take action regarding economic issues, whilst preserving the respective identities;*
- *it is based on respect, a fair dialogue, transparency and trust.*

*It relies on processes which have the following features:*

- *they are agreed by all those concerned and need to be followed when those involved are seeking cooperation and joint activities;*
- *they provide for ways to deal with cases of disagreement and they are clear as to who makes the final decision in such cases;*
- *they facilitate coordination, leadership, communication and information, making broad use of open data;*
- *they allocate and provide for the transfer of responsibilities between the levels of governance whilst avoiding overlaps;*
- *they respect the principles of subsidiarity, efficiency, transparency, accountability, sustainability....)*

The Group considered that in line with the terms of reference, it should produce a draft report and a draft recommendation, and that work should be conducted in parallel for both, with the report being prepared slightly ahead of the draft recommendation so that the findings and lessons to be drawn could then feed into the latter. The work should also make use of existing material already collected under possibly relevant, earlier Rapid Response Service questionnaires. The structure of the report would be as follows:

- a) Introduction: recalling the CDDG’s terms of reference and the need to build on earlier work of the Committee, especially as regards the Covid crisis; the introduction should highlight the increasing diversity in societies today, which is making MLG all the more important and relevant
- b) What is MLG

- c) Where have we found MLG and what did it do (including lessons to draw from the pandemic and other crises); when do we find it; what does it do; concrete examples
- d) What can it do for us; what are its strengths and weaknesses; concrete examples and emergency situations
- e) Conclusions: what will the characteristics be for successful MLG; concrete examples; key findings for the drafting of a Recommendation of the Committee of Ministers

## 8. Next steps

**Regarding the work on principles of good democratic governance**, the explanatory memorandum, as amended, would be circulated to the Group for review and additional comments by 1 March. It would be submitted in the meantime to technical review by the Editorial Service and the Legal Adviser's Office. After consideration by the 17<sup>th</sup> meeting in April, the final adoption, would need to be postponed until after the Fourth Summit (16-17 May), and thus take place by written procedure.

**Regarding the work on multilevel governance**, members considered that the Group should continue consulting further Council of Europe bodies but also representatives of organisations such as the Red Cross to provide further information including on the context of crises.

A scientific expert with practical experience should be entrusted with the task of preparing a first draft report on the basis of the above-mentioned structure. A questionnaire should be disseminated to CDDG delegations (countries, mainly) by means of the Rapid Response Service. Respondents would be invited to submit synthetical contributions rather than lengthy complex ones quoting legislation and regulations in different areas. The deadline for responses should be 15 March, so that the next CDDG Bureau meeting (23-24 March) could consider the results and the deadline be extended as necessary. The Group tentatively agreed on the following content:

### Questionnaire to assist the GT-G in the preparation of a report on MLG

Introduction with guidance: responses should not be excessively lengthy and detailed, indication of the definition to be used for the purposes of responses.

1. Provide information (practical experience rather than legal situation) on current MLG arrangements regarding the following schemes: between tiers of government; between bodies within a given tiers of government; arrangements for "horizontal" cooperation and public participation including recent pertinent reforms
2. Constitutional and other (legal) safeguards to ensure successful operation of MLG
3. Particular challenges identified when implementing those MLG arrangements
4. In the opinion of your institution, what were the lessons drawn by your country in respect of MLG during recent crises/emergencies/disasters (including the pandemic, for instance) and how it affected MLG including cross-border cooperation

**9. Other business**

None

**10. Date of the next meeting**

The Group agreed that an informal meeting would be held, tentatively, on 22 June 2023.



**APPENDIX I****LIST OF PARTICIPANTS****CHAIR / PRESIDENT**

Mr Peter ANDRE, Ministry of Interior, Senior Expert for Legal Affairs, Vienna, Austria

**BELGIUM / BELGIQUE**

Mr Edwin LEFEBRE, Deputy Director, Ministry of the Flemish Community, Agency for Home Affairs, Brussels

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Kristián MALINA, Ministerial Assistant Principal, Department of Coordination of Public Administration and International Relations Ministry of the Interior of the Czech Republic

**FINLAND / FINLANDE**

Mr Markku MÖLLÄRI, Ministerial adviser, Department for Local Affairs and Regional Administration, Ministry of Finance, HELSINKI

**FRANCE**

Ms Camille VALENTIN, Rédactrice juridique, Bureau des structures territoriales, Direction générale des collectivités locales, Ministère de la cohésion des territoires et des relations avec les collectivités territoriales, PARIS

**GREECE / GRECE**

Mr Georgios CHRYSAFIS, Directorate of Organising and Functioning of Local Government, Ministry of the Interior, Athens

Mr Dimitrios PONTIKAKIS, expert within the Department of Legal Entities of Local Government Athens

Mr Ioannis MATHIOUDAKIS, Head of the Coordination Service, Athens

**ITALY / ITALIE**

Mr Francesco GIUSTINO, Presidenza del Consiglio dei Ministri, Ufficio Attività Internazionali, ROMA

**NORWAY / NORVEGE**

Ms Sigrid STOKSTAD, Associate Professor in the Department of Public and International Law, Faculty of Law, University of Oslo

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Ms Veronika LAKATOŠOVÁ, Local Self-Government and Foreign Affairs Unit, Department of Public Administration, Ministry of Interior of the Slovak Republic

**UNITED KINGDOM / ROYAUME-UNI**

Mr Paul ROWSELL, Head of Governance Reform and Democracy Unit, Department for Levelling Up, Housing and Communities, Local Government & Communities Directorate, Ministry of Housing, Communities and Local Government

**PARTICIPANTS****PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE**

M. Armen GEVORGYAN, Rapporteur général sur les pouvoirs locaux et régionaux, Membre de la Commission des questions sociales, de la santé et du développement durable

**CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE / CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE**

Ms Svitlana PEREVERTEN, Co-Secretary of the Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government

**CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFERENCE DES OING DU CONSEIL DE L'EUROPE**

Mr Christoph SPRENG, Representative of the INGOs Conference to the CDDG, Initiatives of Change-International

**SECRETARIAT**

Mr Daniel POPESCU, Head of Democracy and Governance Department / Directorate of Human Dignity, Equality and Governance / Directorate General of Democracy and Human Dignity

Ms Alina TATARENKO – Head of the Democratic Governance Division / Secretary of the CDDG / Directorate of Human Dignity, Equality and Governance / Directorate General of Democracy and Human Dignity

Mr Christophe SPECKBACHER, Administrator – Democratic Governance Division / Directorate of Human Dignity, Equality and Governance / Directorate General of Democracy and Human Dignity

Ms Judith ORLAND, Democratic Governance Division – Directorate of Human Dignity, Equality and Governance - Directorate General of Democracy and Human Dignity

Ms Isabelle ETTER, Assistant

**Interpreters / Interprètes**

Mr Nicolas GUITTONNEAU  
Mr Michael HILL  
Ms Christine TRAPP-GILL

**APPENDIX II****AGENDA**

<b>1.</b>	<b>Opening of the meeting</b>  - information by the Secretariat - <i>tour de table</i> for the participants to introduce themselves	
<b>2.</b>	<b>Election of the Chair and Vice-Chair</b>	
<b>3.</b>	<b>Adoption of the agenda</b>	[GT-G(2023)OJ1]
<b>4.</b>	<b>Principles of Good Democratic Governance</b>  - Draft recommendation on the principles of good democratic governance: incorporation of any new development (4 <sup>th</sup> summit) - Finalisation of the explanatory memorandum	[GT-G(2023)2] [GT-G(2023)3]
<b>5.</b>	<b>Multilevel Governance</b>  • Presentation of the terms of reference:  - task 5: Draft Recommendation on multilevel governance (deadline: 31/12/2025); paper on the concept of multilevel governance - task 6: Report on multilevel governance and response to emergencies, building on [the CDDG's] work on Democratic governance and the response to the Covid-19 pandemic (deadline: 31/12/2025)	[GT-G(2023)1]  [GT-G(2023)4]  <a href="#">Link to Covid report and information from States</a>
<b>6.</b>	<u>2 February, 14.30: Contributions by Parliamentary Assembly, Congress, others</u>	
<b>7.</b>	<b>Tour de table:</b> all members present their proposals on the structure and content for a recommendation on multilevel governance	
<b>8.</b>	<b>Next steps</b>  • working methods (use of informal on-line meetings, consultations by e-mail, hiring of scientific expertise...) • possible timetable	
<b>9.</b>	<b>Other business</b>	
<b>10.</b>	<b>Date of the next meeting</b>	