

**Council of Europe**  
**Conseil de l'Europe**



**Congress of Local and Regional Authorities of Europe**  
**Chamber of Local Authorities**

**Congrès des pouvoirs locaux et régionaux de l'Europe**  
**Chambre des pouvoirs locaux**

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**SECOND SESSION**

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**REPORT**

**ON THE RULES OF PROCEDURE  
OF THE CHAMBER OF LOCAL AUTHORITIES**

**(Rapporteur : Mr Alain CHENARD, France)**

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**EXPLANATORY MEMORANDUM**

1. The Committee of Ministers of the Council of Europe adopted Statutory Resolution 94 (3) setting up the new Congress of Local and Regional Authorities of Europe as "the organ representing local and regional authorities".
2. Under Article 6 of its Charter, the Congress organises its work "within the framework of two Chambers: the Chamber of Local Authorities and the Chamber of Regions".
3. The Charter grants the chambers significant freedom in terms of drafting their rules of procedure. Article 12 states that "the CLRAE and its chambers shall adopt their own rules of procedure. (...)".
4. The Congress adopted its Rules of Procedure during its first plenary session in June 1994. This text, which is to be revised during the second plenary session of the Congress, contains a series of articles ("Special rules of procedure applying to the Chambers") which are intended to provide a basic legal framework to enable the Chambers to operate effectively while their own rules of procedure are being drafted. These special rules will be revoked once the Chambers have adopted their own rules of procedure.
5. Immediately after the plenary session at which they were established, the Chambers began work on drafting their rules of procedure. The Bureau of the Chamber of Local Authorities set up a working group comprising Mr Chenard (France, Rapporteur), Mrs Bennett (Ireland), Mr Haggipavlu (Cyprus) and Mr De Sabbata (Italy). The group's overriding concern has been to provide the Chamber with a powerful and detailed tool which is both flexible and devoid of unnecessary complications.
6. The Bureau of the Congress also wanted some degree of consistency between the three sets of rules of procedure, ie the Congress rules and those of the two Chambers, it being understood, of course, that the former take hierarchical precedence over the latter two. Responsibility for co-ordinating the texts was assigned to Mr Mollstedt (Sweden), the former President of the Standing Conference of Local and Regional Authorities of Europe, who held several co-ordination meetings with the Chamber Rapporteurs and a joint meeting of the two working groups.
7. **Drafting techniques**

The working group took account of the fact that the Congress Rules of Procedure take hierarchical precedence over those of the Chambers and, as the successor text to the Rules of Procedure of the former Standing Conference of Local and Regional Authorities, constitute a significant legacy in terms of rules of procedure which have been successfully applied by both the Conference and the Parliamentary Assembly. Hence the group's decision to combine *mutatis mutandis* adaptation of those sections of the Congress Rules of Procedure that can be applied

to the Chamber with the drafting of new rules which meet the latter's specific requirements. The experience gained by the Congress's predecessor has thus been combined with efforts to find new and original solutions.

## 8. Standing Committee

- 8.1 During the discussions on the future rules of procedure, the group identified a number of operational problems, in particular the fact that the existing structures do not permit continuity of work. While the CLRAE Charter provides for each Chamber to have a President and a Bureau, the Standing Committee, which can act on the CLRAE's behalf between sessions, is not able to act on behalf of the Chambers, even though its membership reflects theirs. In other words, the Chambers can express their views on matters within their competence only once a year, ie during their ordinary plenary sessions. In addition, the current budgetary constraints on the CLRAE make it unlikely that extraordinary sessions of the Chambers would be convened. Moreover, such sessions would require the prior agreement of the Committee of Ministers (Article 5 (2) of the Charter). The Parliamentary Assembly has also drawn attention to this shortcoming in Resolution 1053 (1995).
- 8.2 For its part, the Committee of Ministers has introduced new compulsory procedures for the consultation of the CLRAE. Given that these set a deadline of six months for the CLRAE to express its opinion, it is clear that the Chambers might need to comment on matters within their competence in the periods between sessions.
- 8.3 The structure of the Standing Committee of the CLRAE reflects that of the Congress and thus takes account of the existence of two Chambers. According to Article 7 (2) of the Charter, the committee consists of two representatives from each national delegation. In addition, "states which are represented in only one chamber [have] only one seat on the standing committee".
- 8.4 In keeping with this structure and in co-ordination with Mr Mollstedt and the working group of the Chamber of Regions, the group proposes that the Standing Committee should be able to meet in chambers. This solution has the dual advantage of being based on the existing organs and reflecting their structures. The members of the Standing Committee belonging to the Chamber of Local Authorities would thus form the "Chamber of Local Authorities of the Standing Committee", which could act on the Chamber's behalf between sessions. The same solution has been proposed by the Chamber of Regions working group. For its part, the joint group (combining the two working groups) will propose a corresponding amendment to the Rules of Procedure of the Congress.

8.5 This solution is not intended to undermine the unity of the Congress, as the main decisions of the Standing Committee Chambers (ie the approval of recommendations, resolutions and opinions) will be submitted to the full Standing Committee for adoption under Article 10 (2) of the Charter.

## 9. Election of the President and Vice-Presidents of the Chamber

9.1 It is in this area that attempts have been made to move away from the tradition of the Standing Conference. Following in-depth discussion and the proposals made by the Chamber of the Regions, the working group has opted for the introduction of a series of measures designed to make the election procedures more flexible. For instance, the presentation of candidatures has been simplified in that it is no longer necessary for candidates to be nominated by three members. Secondly, the deadline for the submission of candidatures, which previously was set at twenty-four hours before the opening of the relevant session, has now been moved to the beginning of the first vote. Lastly, in the event of a tie, age will no longer be the deciding factor, as lots will be drawn.

9.2 Article 6 (2) of the Charter provides for strict geographical distribution within the Bureau of each Chamber: "No member state shall have more than one representative on the bureau of either chamber". In accordance with this principle, the working group has established a new rule for the election of the Vice-Presidents. Thus, when a candidate is elected to the Bureau of either Chamber, any remaining candidates from the same national delegation are no longer considered when the six candidates with the highest number of votes are determined.

## 10. Working groups

10.1 It is obvious that the introduction of this new system, which never operated under the old Standing Conference, was not going to take place without some minor difficulties. But what might have been a disadvantage has turned out to be an advantage, as the authors of the rules of procedure have been able to assess the operation of the working groups in the light of their first year of operation and thus draw conclusions as regards occasional improvements.

10.2 As in the above cases, several reforms have been introduced with a view to making the system more flexible:

- a) The members may put themselves forward as candidates for membership of a working group.
- b) In addition, in order to facilitate the work of the groups, any members who are unable to attend meetings will be able to nominate their own substitutes. The only condition which such substitutes will have to satisfy is membership of the Chamber of Local Authorities.

The authors considered the question of whether they should guarantee a degree of geographical balance in the groups. In this case, however, they felt that the expertise or experience of individual members of the Chamber in the fields covered by particular working groups should take precedence over their membership of particular national delegations.

- c) Thirdly, the Rules of Procedure mention - without actually embodying - the practice established by the Bureau of the Congress to guarantee the members of the Chamber fair access to the working groups. Accordingly, individual members should not as a rule belong to more than one working group. Similarly, individual national delegations should not as a rule have more than one seat in individual working groups. However, the Bureau of the Chamber is entirely free to authorise possible exceptions to these rules, which the authors of the Rules of Procedure conceived as guidelines.

11. It is perhaps appropriate to add that the working group co-ordinated with its counterpart in the Chamber of Regions in order to harmonise some of the procedures of the two Chambers. One example is the quorum, which has been fixed at one third of the members of the Chamber. Two further examples are the number of signatures required for the tabling of certain motions or initiatives and the majorities required for votes. The uniformity of these aspects of the rules of procedure will no doubt facilitate their practical application within a bicameral structure - or indeed within a tricameral structure if we include the Congress itself.
12. Lastly, it should be noted that the working group has been instrumental in putting forward a number of proposals for amending the Congress Rules of Procedure, eg the right of the Chambers to present amendments to the latter. Reference should be made here to the report to be presented by Mr Mollstedt on revision of the Rules of Procedure of the Congress.

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